
(1994) 01 AP CK 0005
In the Andhra Pradesh High Court
Case No : Writ Petition No. 15499 of 1990

Dr. B.R. Bapuji

APPELLANT

Vs

Dr. N. Sivaramamurthy, Registrar, Telugu University and
Others

RESPONDENT

Date of Decision : 18-01-1994

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (1994) 1 ALT 299 : (1994) 2 LLJ 650

Hon'ble Judges : M.N. Rao, J

Bench : Single Bench

Advocate : M. Chandrasekhara Rao, for the Appellant; C.V. Mohan Reddy, for Respondent Nos. 1 and 3 and L. Ravichander, for the Respondent

Final Decision : Dismissed

Judgement

M.N. Rao, J.—At issue, in this writ petition, is the validity of the second respondent's appointment as Professor of Telugu University in the Department of Language Planning and Modernisation. Pursuant to an advertisement in the newspapers in the month of July, 1990 inviting applications to fill the post of Professor in the Department of Language Planning and Modernisation, the petitioner - B.R. Bapuji, the second respondent -Dr. B. Ramakrishn reddy and some others submitted their applications for the said post. The qualifications prescribed, as mentioned in the newspaper advertisement, are as follows:

"1. Department of Language Planning and Modernisation:

Professor: Rs.4,500-150-5,700-200-7,300.

Qualifications:

(a) 1st or high second class Master's Degree in Telugu or Linguistics with consistently good academic record.

(b) A doctorate in Linguistics and considerable published work of high standard in

Linguistics.

(c) About 10 years teaching or research experience.

(d) Experience of guiding research at Doctorate level.

(e) Preference will be given to those who have specialised in Socio-Linguistics.

(f) Preference will be given to those candidates with proficiency in Telugu.

Age: Should be above 40 years."

The Selection Committee interviewed the candidates on August 19, 1990 and on a comparative assessment of the candidates interviewed by them, they recommended the second respondent for the post, in consequence of which, the University issued the impugned order - No. TU/491, Admn. Sec/90, dated September 20, 1990, in favour of the second respondent, allowing him three advance increments in the scale of Rs.4,500-150-5,700-200-7,300.

2. When the petitioner studied for the M.A., degree examination, Socio-Linguistics was one of the prescribed subjects and he obtained 69% in that subject. He obtained first class in the M.A., degree examination and was also awarded a gold medal. His main area of specialisation for Ph.D., according to him, is socio-linguistics while the sub-area of specialisation is "language planning". Under his guidance, two candidates obtained M.Phil., degrees. To his credit, he has 10 research papers and one monograph. As regards his proficiency in Telugu, he claims that he had translated one story, one public speech and two books from English to Telugu, besides publishing five articles of literary criticism.

3. The second respondent-Dr. B. Ramakrishna Reddy-holds two first class M.A., degrees - one in Hindi and the other in Linguistics. He is a Ph.D., holder in Linguistics from the University of Edinborough. His area of specialisation, according to the counter affidavit filed by the University, includes Socio-Linguistics. He has authored seven books and published 15 research papers. Under his guidance, six scholars obtained M.Phil., degrees. By the time of his appointment, he was guiding seven scholars for Ph.D., and three for M.Phil. After working in various places as Tutor, Research Assistant and Lecturer, he became Reader in the Osmania University in the Department of Linguistics in 1979 and worked for 10 years till 1989 when he became Professor in the same Department.

4. When the petitioner applied for the post, he was working as Research Scientist-"B" equivalent to that of a "Reader" in the Osmania University whereas the second respondent was functioning as Professor and Head of the Department of Linguistics in the same university. Before becoming Research Scientist "B" in Linguistics, the petitioner worked as Reader in Socio-Linguistics in the Department of Language Planning and Modernisation at the School of Language Development of Telugu University for a period of one year from June 12, 1987 to June 20, 1988. He had experience as Lecturer in Linguistics for seven years from December 4, 1979 to June 10, 1987. He claims that by the date of application for

the post of Professor, he had 11 years of experience in the field of Linguistics in general and Socio-Linguistics in particular. He alleges that the second respondent had no specialisation in Socio-Linguistic and also not proficient in Telugu.

5. For the petitioner, it is contended by Sri M. Chandrasekhara Rao, learned Counsel, that specialisation in Socio-Linguistics and proficiency in Telugu being the preferential qualifications mentioned in the notification, the second respondent ought not to have been considered for appointment since he does not possess either of them. When candidates possessing the preferential qualifications are available, persons who do not possess the same should not be considered at all. Further, the Selection Committee was not properly constituted. Out of the three experts from outside, two are not specialists in Socio-Linguistics - Prof. Mahadeva Sastry is only a retired Professor in Telugu with no specialisation in Socio-Linguistics and Prof. Isreal, Head of the Department of Tamil, Madurai Kamraj University is not a specialist in Linguistics. Prof. Karunakaran alone was eligible to be on the Selection Committee since he specialised in Socio- Linguistics.

6. In opposition to this, Sri Mohan Reddy, learned Counsel for the University, argues that there is enough material to show that the second respondent's fields of specialisation included Socio- Linguistics also and the post in question not being Professorship in Socio-Linguistics, the accident of the petitioner possessing specialisation in Socio-Linguistics by itself will not entitle him to claim the post. Specialisation in the subject of Socio-Linguistics by the petitioner and the second respondent has been assessed by the properly constituted Selection Committee consisting of experts in the field and so, it is not open to the petitioner to ask this Court to reappraise the relative merits. All the three persons constituting the Selection Committee being eminent persons in the field of Linguistics, are suitable to sit on the Selection Committee.

7. Sri Ravi Chander, learned Counsel for the second respondent, while supporting the contentions put forward by Sri Mohan Reddy, urges that as the selection was not made to the post of Professor of Socio-Linguistics, it is enough even if one of the three external experts happens to be a specialist in that discipline. No University in India awards a degree in Socio-Linguistics and the accident of the petitioner studying that subject in the M.A., degree course is not a factor in his favour. The Second respondent had obtained the M.A. degree long prior the petitioner and at that time, there was no special paper on Socio-Linguistics for M.A. students; it was part of the larger subject of Linguistics. His client, being an expert in Linguistics and having specialisation in Socio-Linguistics, was rightly selected by the Selection Committee consisting of experts. Unless it is held that his client had no research experience in Socio-Linguistics, he cannot be excluded from consideration and it is not open to this Court to embark upon such an enquiry especially when the Selection Committee comprising experts in the field on a comparative assessment of the merits of the candidates interviewed, has selected his client after being fully convinced about his specialisation in Socio-

Linguistics also.

8. Although, allegations of mala fides have been levelled by the petitioner against the first respondent, N. Sivarama Murthy, Registrar of the Telugu University, he has not pressed the same and so, it is unnecessary to advert to the same.

9. In the context of the contentions urged, I think it is appropriate to notice what is meant by "Socio-Linguistics". Socio- Linguistics is defined by David Crystal as "a branch of Linguistics which studies all aspects of the relationship between language and society." According to him, Sociology of language is Socio-Linguistics. He says "Socio-linguists study such matters as the linguistic identity of social groups, social attitudes to language, standard and non-standard forms of language, the patterns and needs of national language use, social varieties and levels of language, the social basis of multilingualism and so on." Socio-Linguistics overlaps to some degree "with Ethnolinguistics and Anthropological linguistics reflecting the overlapping interests of the correlative disciplines involved-Sociology, ethnology and anthropology. The study of dialects is sometimes seen as a branch of socio-linguistics and sometimes differentiated from it, under the heading of Dialectology, especially when regional dialects are the focus of study (David Crystal - A Dictionary of Linguistics and Phonetics, 2nd Edn. pp. 281-282). "Another learned author - Peter Trudgill - says that Socio-Linguistics is "that part of linguistics which is concerned with language as a social and cultural phenomenon. It makes use of the subject matter, methodology or findings of the social sciences - sociology and social anthropology in the main but it also impinges in certain respects on social or human geography" (Peter Trudgill-Sociolinguistics - An Introduction, pp. 32-33).

10. Beyond noticing the meaning of "Socio-Linguistics" I cannot embark upon any further enquiry to ascertain the subtleties of the frontiers of this branch of linguistics and the points of its convergence with other branches of linguistics. I have neither the expertise nor such a course of action is open in judicial review.

11. The first question for consideration is; whether the Selection Committee was validly constituted? Among others, the Selection Committee consisted of three external experts - Prof. K. Madhava Sastry, Prof. M. Israel and Prof. M. Karunakaran. Of the three, only Prof. Karunakaran - according to the learned Counsel for the petitioner - specialised in Socio-Linguistics but not the other two and, therefore, the selection was vitiated. The allegation was denied in the counter-affidavit filed by the University in which it was asserted that all the three are "luminaries in the field of Linguistics and they are regarded as authority on Telugu language and linguistics" and have been invited by several Foreign Universities to deliver special lectures on Telugu Linguistics. Prof. Israel is a senior Professor and did remarkable work on language variation, dialectology and convergence and his research work on "Telugu spoken in and around Madurai city" became famous. Without entering into any controversy, it appears to be fairly clear, in view of the opinion of David Crystal, that dialectics is sometimes seen as a branch of so-cio-linguistics. It is not possible to accept the petitioner's

contention that Prof. Madhava Sastry and Prof. Israel are strangers to the subject of Socio-linguistics. Even otherwise, I think that the constitution of the Selection Committee was not vitiated. There is no requirement in law that all the three external experts should be specialists in Linguistics as well as Socio-linguistics.

12. The second question for consideration is: whether the second respondent did not possess the two preferential qualifications - specialisation in Socio-linguistics and proficiency in Telugu?

13. The counter-affidavit filed by the first respondent admits that the petitioner "has got specialisation in the field of Socio-linguistics" but denies his claim that the second respondent has not specialised in that field. The petitioner obtained 69% in the M.A., degree examination in the paper on Socio-linguistics. The second respondent did not have that opportunity because he obtained the M.A., degree long prior to 1970 and that subject was introduced as a special paper for the M.A., degree examination only in 1970. This fortuitous circumstance cannot enure to the benefit of the petitioner. The case put forward both by the university and the second respondent is that in the field of Socio-linguistics specialisation was acquired by the second respondent and this is vehemently denied by the petitioner. Several material papers have been filed by both sides. The claim of the second respondent that he was invited to deliver special lectures on Socio-Linguistics by the Bharathiyar University and Madurai Kamraj University was denied by the petitioner in the reply affidavit asserting that the record from the Osmania University, if produced, relating to the sanction accorded to the second respondent would disclose that no such permission was granted. One aspect deserves notice in this controversial setting: In 1986, the second respondent held post-Doctoral fellowship at the Central Institute of Indian Languages, Impere "to conduct research on the language contact and convergence in the multilingual symbiosis of Munda, Dravidian and Indo Aryan languages". This area of specialisation cannot be said to be unrelated to Socio-linguistics, if one is to go by the definition of "Socio-linguistics". This fact-situation is endeavoured to be surmounted by the petitioner by stating that the holding of fellowship is irrelevant and the second respondent, during that period, has not published any monograph and the same is still under preparation. I cannot accept this plea. Why the monograph could not be published and what are the constraints in that regard cannot be enquired into in this writ petition.

14. The second respondent's claim that he conducted post-Doctoral research in five areas of Socio-linguistics-(1) Ethnolinguistics: Language and Ethnicity, (2) Language contact and linguistics convergence, (3) Language shift as revealed in census, (4) Modernisation of Telugu under the English influence and (5) Social stratification and social deixis - is sought to be rebutted in the reply-affidavit by the petitioner stating "there is no evidence in the form of reports or monographs in the Department of Linguistics of the Osmania University where he was working before he joined the respondent-university". There is no valid reason for me to disbelieve the assertion of the University regarding the post-Doctoral research

work carried out by the second respondent in the aforesaid five areas of socio-linguistics.

15. I find it difficult to accept the contention advanced for the petitioner that the second respondent does not have proficiency in Telugu. The second respondent taught linguistics to the M.A., students and his thesis for Ph.D., was on Telugu Syntax and Semantics. This claim was contested by the petitioner in the reply-affidavit stating that the second respondent taught the subject of Linguistics to post-graduates in the medium of English and his thesis also was written in English. Even assuming it to be so, it cannot be said that the second respondent does not have proficiency in Telugu. Without acquiring proficiency in the language of Telugu, it is not possible to write a thesis on "Telugu Syntax" and so, I am not inclined to agree with the petitioner's contention that the second respondent is not proficient in Telugu.

16. I, therefore, hold that the petitioner's claim as regards the second respondent not having the two preferential qualifications is unfounded.

17. Once it is found that the second respondent possesses the two preferential qualifications and that the constitution of the Selection Committee was not vitiated in any manner, his appointment cannot be interfered with. In a judicial review, it is not open to this Court to assess the relative merits of the candidates interviewed by the Selection Committee consisting of experts in that field.

18. The arguments advanced before me for the petitioner proceeded on the assumption that the post in which the second respondent was appointed was Professor in Socio-linguistics, while, in fact, it is Professorship in the Department of Language Planning and Modernisation. Specialisation in Socio-linguistics, although is a preferential qualification, it is not open to me to judge the degree of expertise in the branch possessed by the petitioner and the second respondent for the purpose of ascertaining who is more suitable. That is the function of the Selection Committee - See *Dr. Jai Narain Misra Vs. State of Bihar and Others*, . Speaking for a five-judge Bench, Gajendra Gadkar, J., (as he then was) in *The University of Mysore and Another Vs. C.D. Govinda Rao and Another*, . observed:

"Boards of Appointments are nominated by the universities and when recommendations made by them and the appointments following on them, are challenged before Courts, normally, the Courts should be slow to interfere with the opinions expressed by the ex-perts. There is no allegation about mala fides against the experts who constituted the present Board; and so, we think, it would normally be wise and safe for the Courts to leave the decisions of academic matters to experts who are more familiar with the problems they face than the Courts generally can be."

The scope of judicial review in regard to appointments made in academic bodies was stated by Krishna Iyer, J., in *J.P. Kulshrestha v. Allahabad University* (19W II LLJ 175) (at pp 180-181):

"If the Chancellor or any other authority lesser in level decides an academic matter or an educational question, the court keeps its hands off; but where a provision of law has to be read and understood, it is not fair to keep the Court out.... In short, while dealing with legal affairs which have an impact on academic bodies, the views of educational experts are entitled to great consideration but not to exclusive wisdom".

Reiterating the legal position in 1990, it was held by the Supreme Court in *Dalpat Abasaheb Solunke and Others Vs. Dr. B.S. Mahajan and Others*, :

"It is needless to emphasise that it is not the function of the Court to hear appeals over the decisions of the Selection Committees and to scrutinize the relative merits of the candidates. Whether a candidate is fit for a particular post or not, has to be decided by the duly constituted Selection Committee which has the expertise on the subject. The Court has no such expertise. The decision of the Selection Committee can be interfered with only on limited grounds, such as illegality or patent material irregularity in the constitution of the Committee or its procedure vitiating the selection, or proved mala fides affecting the selection etc."

19. The precedents cited by Sri Chandrasek-hara Rao are of no help to the petitioner. *The Government of Andhra Pradesh v. P. Dilip Ku-mar* (Judgments Today -1993 (2) SC 138) concerns with the interpretation of Rule 4 of the Andhra Pradesh Engineering Services Rules, 1966 which lays down that for appointment to the post of Deputy Executive Engineers by direct recruitment, post- graduate qualification is an additional qualification entitling him to preference. According to a learned single Judge of this Court, post-graduates have to be preferred as a class and they should not be clubbed along with the ordinary graduates for consideration for promotion and such a contingency would arise only if sufficient number of post-graduates were not available. Accepting that interpretation, the Supreme Court ruled that preference should be applied for first choosing the post-graduates and that the graduates should be considered only thereafter. In W.P.No. 3511 of 1991 dated 22nd March, 1993 - *Polabharapu Hymavathi v. Kakatiya University and others* - the controversy centered around the selections to the post of Lecturer in History in Kakatiya University. One of the qualifications prescribed for appointment to the post is Doctorate degree or research work of an equally high standard and the notification calling for the applications for consideration for appointment mentioned that if a candidate possessing Doctorate degree or equivalent research work is not available or is not considered suitable, a person having good academic record may be appointed, provided he has done research for atleast two years or has practical experience subject to the condition that he will have to obtain Doctorate degree within 8 years of his appointment. The Selection Committee - along with candidates possessing Doctorate degrees - also interviewed candidates falling under the above exception. This was faulted by a learned single Judge observing that the Selection Committee erred in interviewing the qualified candidates along with the

candidates falling under the above exception observing that such a contingency would arise "if none of the candidates possessing Doctorate degree or equivalent research work was considered suitable". This view was affirmed, on appeal by a Division Bench in W.A.Nos.429 and 829 of 1993 by its judgment dated September 4, 1993.

20. The file produced before me by the University shows that the Selection Committee was headed by the Vice-Chancellor and it consisted of four members besides himself. Out of the four, one was a nominee of the Vice-Chancellor and the other three were external experts. They interviewed six candidates including the petitioner and the second respondent and decided unanimously to recommend the second respondent for the post in question. In the absence of any vitiating factors like defect in the constitution of the Selection Committee, breach of principles of natural justice, failure to adhere to any mandatory statutory provision etc., it is not open to this Court to interfere with the recommendation of the Selection Committee.

21. For the foregoing reasons, the writ petition fails and accordingly it is dismissed. No costs.