

(2005) 08 KAR CK 0070

In the Karnataka High Court

Case No : Writ Petition No's. 1354 and 1543 of 2005

Dr. G. Venkatesh Prasad and Another

APPELLANT

Vs

University of Agriculture Science and Another

RESPONDENT

Date of Decision : 29-08-2005

Acts Referred:

Constitution of India, 1950 — Article 14, 16

Citation : (2005) ILR (Kar) 5283 : (2005) 4 KCCR 282 SN

Hon'ble Judges : B.S. Patil, J

Bench : Single Bench

Advocate : Tharanath Poojary. I and N. Devadass, for the Appellant; D.N. Nanjunda Reddy, for R-1, for the Respondent

Final Decision : Dismissed

Judgement

B.S. Patil, J.—In both these writ petitions, the petitioners are seeking similar relief. As the grievance made by both the petitioners are similar in nature, both these writ petitions are clubbed together and are heard and disposed of by this common order.

2. The petitioner in W.P. No. 13547/2005 has applied for the post of Director of Extension, whereas the petitioner in W.P. No. 13543/ 2005 has applied for the post of Director of Instructions. Both the petitioners have sought directions to the respondent- University to call them for interview to the post to which they have applied which was scheduled to be held on 19.04.2005 and 18.04.2005 respectively and defer the process of appointment until the petitioners are considered for appointment. The contention of the petitioners are that they have applied for the post, as mentioned above under the respondent-University for which Notification dated 05.10.2004 calling for applications was issued. Petitioners claim that they are fully qualified for the post in question as per the notification. Copy of the notification is produced at Annexure-A to the writ petitions.

3. It is the contention of the petitioner in W.P. No. 13547/05 that he has 30 years experience in the University, out of which he has served for 11 years in the cadre of Professor. He submits that he possesses a First Class Masters Degree and holds Ph.D in the subject Agriculture Extension. The Petitioner further claims that even during the year 1996-97 when the University of Agricultural Science, Dharwad called for applications for filling up the post, petitioner being eligible had applied for the same and was called for interview by the authorities of the said University. In view of the same, the petitioner contends that he is fully eligible to be called for interview. Despite the same, though juniors and persons having lesser qualification have been called for interview he is denied of the opportunity is his grievance. In this regard though he made a representation dated 13.04.2005 as per Annexure "E" requesting the authorities to inform the reason why he has not been called for interview while others similarly placed were intimated of the interview there was no response.

4. The petitioner in W.P. 13543/05 is a Professor, Plant Breeding, Post Graduate Studies in the respondent-University since 03.02.1994 having joined the service as a Research Assistant in the year 1975. He claims that he became an Assistant Professor of Agricultural Botany in the year 1983 and Associate Professor (Reader) in the year 1984. He is working as Professor from 03.02.1994. The Petitioner states that with his teaching experience of 31 years, he has published three books and has authored number of research papers.

5. The petitioners in these writ petitions are aggrieved by the action of the respondent-University in not calling them for interview. Apprehending that the selection process will be completed without providing them an opportunity to participate in the same, they have approached this Court seeking for directions as aforementioned.

6. Learned Counsel appearing for the petitioners contend that the Selection Committee is bound to call all the candidates who satisfy the criteria under the notification for the interview. It is their submission that neither the Committee nor the Vice-Chancellor has any power to disqualify any eligible candidate and deny them the opportunity to appear for the interview. Placing reliance on the relevant statutes, the Learned Counsel for the petitioners submit that the respondent-University cannot adopt their own process or procedure to eliminate the eligible candidates from appearing for the interview as they are required to ensure transparency and objectivity in the selection process. The denial of opportunity to the petitioners to appear for interview has resulted in denial of equal opportunity for being considered for employment and hence violates Articles 14 and 16 of the Constitution is what is contended by the Learned Counsel for the petitioners.

7. The respondent-University has filed statement of objections refuting the allegations and averments made by the petitioners. The University has contended that the Board of Regents of the University in its 292nd Meeting held on 02.01.2003 approved the "Operational Guidelines" and adopted score-card for

making recruitment to the post of officers by direct recruitment. As provided under the said score-card, 90 marks have been earmarked for academic qualifications, experience, publications, medals, special attainment, etc. and the remaining 10 marks have been earmarked for the interview/ personality test. According to the respondent-University, the score-card also provides for constitution of a Scrutiny Committee consisting of an outside expert to scrutinise and evaluate the certificates produced by the candidate in support of their attainments as disclosed in the bio-data. If a candidate has scored a minimum of 54 marks as against 90 marks earmarked for academics and various other attainment such as academic qualification, experience, etc., only then he will be eligible to be called for interview. In other words, the University contends that if a candidate has secured less than 54 marks as per the performance score-card, such candidate is not eligible for the interview. On the basis of the score-card method adopted, the University has justified its action in not calling the petitioners for interview on the ground that the Scrutiny Committee has found that the petitioners have secured less than 54 marks in the academics and other attainments and therefore they were not eligible for being called for interview.

8. Learned Counsel for the respondent-University submits that it is open for the University to adopt such methods and guidelines that are necessary for the purpose of finding out the merit of the candidates . and for selecting them. He has also contended that the criteria which shall determine the mode of finding out which of the applicants shall be called for interview is also in the domain of the Selection Committee and the Selection Committee has exercised its power and in its discretion has laid down some "Operational Guidelines". The Board of Regents of the University has laid down the "Operational Guidelines" and evolved a score-card for recruitment to the post of officers by direct recruitment. This is made applicable to different posts on a uniform basis and is not picked up and applied only to the posts in question.

9. The Learned Counsel for the respondent-University has also demonstrated that the score-card method is aimed at assessing objectively the merit of the candidates. It is his submission that there is no arbitrariness or unfairness in the method adopted and the same is uniformly applicable. It is further contended by the Learned Counsel for the respondent-University that non-mentioning of the nature of procedure adopted in finding out the criteria for inviting the candidates for interview in the notification does not vitiate the process of selection. It is his submission that the adoption of a particular methodology for the purpose of fixing a bench-mark for calling the applicants for interview itself cannot be termed as arbitrary. The fact that only 10 marks are earmarked for interview itself shows that the University has made all endeavours to reduce the subjective elements in the process of selection. It is his further submission that experts from outside the University has scrutinized the application including the academic attainments by applying the methodology adopted and has come to the conclusion that the applicants do not satisfy the requirement for being called for interview.

10. The Learned Counsel for the petitioners in their reply have attacked the score-card method as defective and bereft of any rationality or transparency in its application.

11. Having heard the Learned Counsel appearing for the parties, the only question that arises for consideration is:

"Whether the action of the respondents in not calling the petitioners for interview for the post of Director of Extension and Director of Instruction respectively under the respondent-University is illegal?"

12. The ground on which the petitioners have claimed that they should have been called for interview is that they have satisfied all the eligible criteria prescribed in the notification calling for interview. They submit that they do not suffer from any disability or disqualification and therefore they are entitled for being called for interview and for consideration for selection.

13. It is not that all the applicants who are eligible as per the prescribed qualification shall be called for interview as a matter of right. It is open for the University to adopt a fair, transparent and reasonable methodology and procedure for sizing down the number of applicants and prescribing a benchmark so that only those who satisfy the benchmark will be called for interview. In the instant case, the Board of Regents of the Respondents University, in its 292nd meeting held on 02-01-2003 has approved the "Operational Guidelines" and devised a score-card for making recruitment to the post of officers by direct recruitment. As provided under the said score-card, 90 marks have been earmarked for academic qualifications, experience, publications, medals, special attainment, etc. and the remaining 10 marks have been earmarked for the interview/personality test. The methodology adopted also provides for Constitution of a Scrutiny Committee consisting of an expert to evaluate the certificates of the candidates and it further provides that if a candidate has secured a minimum score of 54 mark in the academic and other attainments as against 90 marks earmarked only then he will be eligible for being called for interview. This methodology is adopted as back as on 02.01.2003 and made applicable to the recruitment to various posts by the University. It is seen that the notification calling for applications vide Annexure-A is issued on 05-10-2004 and the methodology wherein score-card method is adopted is accepted as per the resolution of the Board of Regents dated 02.01.2003. Therefore, the contention of the Learned Counsel for the petitioners that the method adopted is actuated by ulterior consideration and that it is arbitrary cannot be accepted.

14. The petitioners have not shown as to how the method introduced is arbitrary. There is, therefore, no substance in the contention urged by the petitioners that the respondent-University was not justified in adopting a score-card method and in not calling the petitioners for interview. It is well established that the competent authority can adopt reasonable, fair and transparent method by which a criteria can be evolved to call for interview only those applicants who comply

with the bench mark. Eligibility to apply for the post is different from the right to be called for interview. As long as there is no arbitrariness in the process adopted, the petitioners cannot claim that they have vested right to be called for interview. If the bench mark is adopted and the score-card method prescribes 54 marks for academic and other attainments as minimum marks to qualify for being called for interview, that does not introduce any arbitrariness in the process. The contentions urged by the petitioners in this regard is not tenable. As the entire controversy only rests on this disputed question, no other point arises for consideration and hence the petition is devoid of merits. Hence, I pass the following order:

ORDER

The petitions fail and are therefore dismissed with no order as to costs.