

(2000) 02 DEL CK 0131
In the Delhi High Court
Case No : C.W. No. 5564 of 1999

Dr. Lyakat Ali

APPELLANT

Vs

Vice-Chancellor Jawahar Lal Nehru University

RESPONDENT

Date of Decision : 18-02-2000

Acts Referred:

Citation : (2000) 5 AD 346 : (2000) 86 DLT 59

Hon'ble Judges : K. Ramamoorthy, J

Bench : Single Bench

Advocate : Mr. T.P.S. Rathore, for the Appellant; Mr. S.C. Dhanda, for the Respondent

Judgement

K. Ramamoorthy, J.

The petitioner has prayed for the following reliefs:-

"It is, Therefore, respectfully prayed that this Hon"ble Court may graciously be pleased to:-

(i) a writ in the nature of prohibition restraining the respondent from finalising and declaring the result of the interview held on 16.8.99 for the post of Assistant Professor in North African Studies at School of International Studies, in Jawahar Lal Nehru University, New Delhi;

(ii) a writ in the nature of certiorari quashing the proceedings held by the Interview Board in interview on 16.8.1999 for the post of Assistant Professor in North African Studies at School of International Studies in Jawhar Lal Nehru University, New Delhi;

(iii) a writ in the nature of mandamus directing the respondent to hold the interview afresh and consider the candidature of the petitioner on the basis of merit and the essential on the basis of merit and the essential qualification which is required for the post of Assistant professor in North African Studies, which only the petitioner possesses till date."

2. The case of the petitioner, as stated in the writ petition, is that the Chairperson of CWAAS, was the man who ousted the petitioner and wanted to appoint his own candidate and the respondents deliberately were waiting till the retirement of Mr. K.R. Singh who was the guide of the petitioner in submitting the thesis. It is further stated that the members of the Interview Committee were biased against the petitioner. According to the petitioner, he was the only person possessing the required qualification and specialisation in the area "North African Studies" and had a valid claim for the post of Assistant Professor in North African Studies.

3. The Acting Registrar, Jawaharlal Nehru University had filed the counter-affidavit to the writ petition. The allegations in the writ petition are denied and it is stated that the case of the petitioner was considered by the Selection Committee and the candidate selected was also specialised in North African Studies. It is stated that having participated in the selection process, it is not open to the petitioner to challenge the constitution of the Committee.

4. The learned counsel for the petitioner submitted that having regard to the qualifications prescribed for the post, the petitioner was the only person, as stated in the writ petition, who satisfied the requirements with reference qualifications. The Selection Committee, without considering the qualifications of the petitioner. The Selection Committee was not properly constituted and there was no proper selection method adopted by the Selection Committee.

5. The learned counsel for the University, Mr.S.C. Dhandha, submitted that the petitioner was interviewed by the Selection Committee and out of all the candidates appeared, the person having the requisite qualifications was found fit by the Selection Committee for selection and he was appointed. The petitioner has not chosen to implead the selected candidate as a party to the writ petition.

6. The learned counsel for the University, Mr. S.C. Dhanda, submitted that in view of the ratio of the decision of the Supreme Court in G. Sarana Vs. University of Lucknow and Others, , that a candidate who participated in the selection process cannot seek to challenge the Constitution of the Committee, the petitioner is not entitled to any relief and he has not made out any case for interference by this Court. Mr. S.C. Dhanda, the learned counsel for the University, has also referred to the judgment of Supreme Court in Madan Lal and Others Vs. State of Jammu and Kashmir and Others, and judgment of this court in CWP. No. 513/75 dated 21.3.1979, titled, "Dr. A.S. Jawatkar Vs. Jawaharlal Nehru University & Others, wherein the ratio laid down by the Supreme Court in G. Sarana Vs. University of Lucknow and Others, , was followed. The learned counsel for respondent has also referred to the judgment in The Chancellor and Another Vs. Dr Bijayananda Kar and Others, .

7. On the materials placed on record, it is clear that the case of the petitioner was considered by the Select Committee along with other candidates who had applied for the post. The only right of the petitioner is for being considered for

Selection. It is not open to the petitioner to invite this Court to go into the fact how the minds of the members of the Selection Committee worked to assess the merits of the candidates. Experts on the field were on the Selection Committee and they had considered the suitability of the candidates, and it is well settled that this Court cannot sit judgment over the decision of such a Selection Committee. I do not find any merits in the writ petition. Accordingly, it is dismissed.

8. There shall be no order as to costs.