
(2011) 01 KAR CK 0200
In the Karnataka High Court
Case No : Writ Petition No. 583 of 2008

Dr. M. Chetana

APPELLANT

Vs

The Registrar, Karnataka State Open University and Others

RESPONDENT

Date of Decision : 12-01-2011

Acts Referred:

Citation : (2011) 1 KCCR 578

Hon'ble Judges : Mohan Shantanagoudar, J

Bench : Single Bench

Advocate : G.B. Nandish Gowda, for R.B. Sadashivappa, for the Appellant; V. Narayana Swamy, for Respondent-1, S. Vijayalakshmi, for Respondent-3 for Vagadevi Associates, for the Respondent

Final Decision : Dismissed

Judgement

Mohan Shantanagoudar, J.—The 1st Respondent-University issued a notification on 5.5.2007 calling for applications to the posts of Deputy Librarian alongwith other posts. The Petitioner as well as the 3rd Respondent applied for the post of Deputy Librarian. Interview letters were issued to both of them on 30.10.2007. The 3rd Respondent is appointed on 22.11.2007 as per Annexure-D to the post of Deputy Librarian. Consequently, the Petitioner was not appointed to the said post. The appointment of the 3rd Respondent is called in question in this writ petition.

2. Learned Counsel for the Petitioner submits that the 3rd Respondent did not have requisite qualification of Ph.D. degree and that he did not possess the equivalent research experience in the field relevant to the profession. Though the Petitioner had taken up the contention in the writ petition that the 3rd Respondent did not have requisite percentage of marks and experience as Assistant Librarian, the same were not pressed into service at the time of the arguments. Even otherwise, the records reveal that the 3rd Respondent has got more than 55% of marks in the qualifying examination which was the prescribed qualification for making the application. He also had the requisite experience of

more than 8 years as Assistant Librarian. Thus the only question to be considered is as to whether the 3rd Respondent has possessed Ph.D. degree or possesses equivalent research experience in the field relevant to the profession or not.

3. The statement of objections are filed by the University as well as the selected candidate. The records produced by them clearly reveal that the Petitioner did not have 8 years experience as Assistant Librarian.

4. The notification Annexure-A inviting the applications discloses that the intending applicants should have following qualifications:

a) Masters Degree in Library Science/Information Science/ Documentation with at least 55% marks or its equivalent grade and consistently good academic record.

b) At least 8 years experience as Assistant Librarian.

c) Ph. D Degree or equivalent research work in the field relevant to the profession.

5. Though the Petitioner had got Ph.D. degree and Masters degree with 55% of marks, did not have 8 years experience as Assistant Librarian on the relevant date. He had nearly about 4 years experience as Assistant Librarian. Thus it is obvious that she did not possess requisite qualification for being appointed as Deputy Librarian. In view of the same, the Respondent No. 1 - University is justified in rejecting the candidature of the Petitioner, Consequently, she cannot have any grievance for her non-selection to the post of Deputy Librarian.

6. Coming to the case of the 3rd Respondent, the records reveal that he possesses Masters Degree with more than 55% of marks. He had more than 8 years experience as Assistant Librarian. However he did not possess Ph.D. degree during the relevant period. According to the selected candidate, he possessed the equivalent research experience in the field relevant to the profession. The records produced by the 3rd Respondent clearly reveal that he was Assistant Librarian for more than 8 years in the Central Coffee Research Institute which is a Government of India undertaking. The institute itself is a research institute. The certificate issued by the Research Institute clarified that the 3rd Respondent had the ability and was providing current and selective information to the Coffee Scientists. He has converted the research library into modern information dissemination center. He was involved in publication work such as compilation, circulation and other allied work of the scientific publications in Coffee. It is also certified that the 3rd Respondent is capable of handling modern cum information technological library. The Director of Research Institute has strongly recommended the 3rd Respondent to the post in question. He had worked in the said research institute from 1997 to 2007 i.e., more than 9 years. The records also reveal that the 3rd Respondent had introduced Short Term Library Orientation Course for the Board officers and staff at regular intervals for

information procurement, processing and dissemination to the right user at the right time. He had introduced virtual library facilities through Coffee Board website for the benefit of coffee industrialists and planters. The work of the 3rd Respondent in the Research Institute which is a Government of India undertaking was taken into consideration by the appointing authority and having found that the 3rd Respondent had got equivalent research experience in the field relevant to the profession appointed 3rd Respondent to the post as suitable candidate. Though the 3rd Respondent did not have Ph.D. degree, the appointing authority has found that he had got equivalent research experience in the field relevant to the profession. Having regard to the above, the experts in the field have selected and appointed 3rd Respondent. This Court will not sit as an Appellate Authority in such matters to come to a different conclusion. It is for the experts in the field to assess the performance of each of the candidates while selecting to the post. No mala fides can be attached to the selection process. Moreover mala fides are not alleged in the writ petition. Merely because 3rd Respondent did not have Ph.D. qualification, his candidature could not have been rejected, particularly \\ when he had equivalent research experience in the field relevant to the profession, which is one of the basic criteria and alternative qualification to Ph.D. degree to be appointed as Deputy Librarian. Hence no interference is called for in the appointment of the 3rd Respondent.

It is relevant to note that the Petitioner is also appointed by the Karnataka Public Service Commission to the post of Librarian to the Government First Grade College as per the notification dated 10.1.2008 issued by the State Government. The same is not in dispute. In view of the above, it is clear that the Petitioner also is employed in a better post and consequently may not be interested in the post in question.

7. Be that as it may, since the 3rd Respondent is selected and appointed on merits, no interference is called for. Petition falls and stands dismissed.