

(2010) 09 KL CK 0130

In the High Court Of Kerala

Case No : Writ Petition (C) No. 26313 of 2010 (L)

Dr. N. Prasantha Kumar

APPELLANT

Vs

Sree Sankaracharya University of Sanskrit and The Vice-
Chancellor and Chairman

RESPONDENT

Date of Decision : 02-09-2010

Acts Referred:

Citation : (2010) 09 KL CK 0130

Hon'ble Judges : K.T. Sankaran, J

Bench : Single Bench

Advocate : A.G. Basil, for the Appellant; No Appearance, for the Respondent

Judgement

K.T. Sankaran, J.—The reliefs prayed for in the Writ Petition are the following:

- a) Call for the records related to the conduct of the selection process of Registrar in the Respondent University and declare the same invalid by issuance of a Writ of Certiorari or such other appropriate Writ, Order or Direction;
- b) Issue a Writ of Mandamus or any other appropriate Writ, Order or Direction, restraining the Respondent University not to proceed any further with the selection process for post of Registrar.
- c) To grant such other appropriate reliefs to the Petitioner as this Hon'ble Court deem fit and proper in the interest of justice.

2. The petitioner is the Reader and Head of Department of English of Sree Sankaracharya University of Sanskrit. The University invited applications for the post of Registrar as per notification dated 30.11.2009. The petitioner submitted application for the post with all required documents. The petitioner was directed to appear for an interview on 17.7.2010, as per Ext.P4 memo. In Ext.P4, it is stated that the petitioner was found qualified after screening of the application by the Committee constituted for the purpose. Before the interview was held, the petitioner was directed to fill up a proforma containing 15 items. Item 14 in the

proforma was thus:

Have you filed any case against the University? The nature and result of the case.

3. According to the petitioner, the selection committee had no jurisdiction to fix their own norms for selection and put the question to the candidates as mentioned in item No. 14 of the proforma. According to the petitioner, this was done deliberately to eliminate him from the zone of consideration.

4. According to the petitioner, the University statute does not invest powers on the selection committee to evolve their own criteria and norms for the selection. The selection committee can only make recommendations as per the University statute.

5. The learned Standing Counsel appearing for the University submitted that the selection process is not over and therefore, the Writ Petition is premature. It is also submitted that the interview is over and the recommendation of the selection committee will be placed before the Syndicate within one week. At this stage, the Writ Petition cannot be entertained and directions issued interfering with the selection process, submits the counsel.

6. In the facts and circumstances of the case, I do not think that a writ or direction can be issued at this stage, to interfere with the selection process and to that extent, I accept the contention put forward by the Standing Counsel for the University. If the petitioner is aggrieved by the selection, he has remedies. The petitioner would be entitled to put forward all the contentions which were put forward in the Writ Petition at that stage. Leaving open the right of the petitioner to challenge the selection, if it becomes necessary, the Writ Petition is closed.