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**(2008) 09 OHC CK 0084**  
**In the Orissa High Court**  
**Case No : Writ Petition (C) No. 5193 of 2003**

Dr. Radhe Gopal Pradhan

APPELLANT

Vs

The Vice-Chancellor, Sambalpur University and Others

RESPONDENT

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**Date of Decision :** 11-09-2008

**Acts Referred:**

Orissa Universities Act, 1989 — Section 21, 21(2), 21(3), 21(4)

**Citation :** (2009) 1 OLR 487 Supp

**Hon'ble Judges :** R.N. Biswal, J;P.K. Tripathy, J

**Bench :** Division Bench

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## Judgement

1. Heard.

2. Each of the Petitioners in the above noted three writ petitions claim to be the applicants for the post of Professor in Political Science to be appointed in the Sambalpur University and they claim that they attended the interview on 21.06.2002. Each of them has prayed to declare the result of that interview and to give appointment accordingly. Thus, on consent of the parties, matter being analogous, all the three writ petitions are heard analogously and disposed of by this common judgment, which shall abide the result in each of the aforesaid three writ petitions.

3. In W.P.(C) Nos. 1092 of 2002 and 5193 of 2003 when the Petitioners have challenged the decision of the Sambalpur University in cancelling the interview in view of Resolution No. 149 of the Syndicate of Sambalpur University (which has been respectively annexed as Annexures 6 and 5 in their writ petitions), Petitioner in W.P.(C) No. 4300 of 2002 has challenged the advertisement, Annexure 5 and minutes of the proceeding of the meeting held on 31.10.2002 in the Conference Hall of Finance Department regarding abolition and filling up of the vacant teachers posts of the Universities, i.e., Annexure 6.

4. The dispute has arisen for non-publication of the result of the interview held on 21.06.2002 and that is because of Resolution No. 149 of the Syndicate of the

Sambalpur University after receipt of communication from the office of the Chancellor. That Resolution No. 149 reads as hereunder:

that the directions of the Hon"ble Chancellor communicated vide letter No. 5659/SG dt. 17.06.2002 and No. 5859/SG dated 25.6.2002 be noted.

Further resolved that in view of the spirit of the directions of Hon"ble Chancellor, the interview conducted for selection of Professor of Political Science be treated as cancelled.

Resolved again that immediate steps be taken to advertise the posts afresh giving clear indication that the candidates who have applied earlier need not apply again. However, they may update their bio-data if they so desire.

5. In course of submission, all the parties admit that Section 21 of the Orissa Universities Act, 1989 (Orissa Act 5 of 1989) is the relevant provision to constitute the selection committee and to take up the selection process. Sub-sections (3) and (4) thereof are the two relevant provisions, as it was on the date of interview (pre-amended) and is quoted below,

(3) The Selection Committee referred to in Sub-section (2) shall consist of

(i) the Vice-Chancellor;

(ii) Director;

(iii) Three experts selected by the Vice-chancellor from out of a panel prepared by the Syndicate of the University; and

(iv) An expert nominated by the Chancellor in case of appointment to the post of Professor.

(4) the quorum at a meeting of the Selection Committee shall be four of whom at least two shall be experts including the expert nominated by the Chancellor if any.

6. On 04.12.2002 the said Sub-sections were amended as per the Gazette notification published in Orissa Gazette Extra-ordinary No. 2237 dated 04.12.2002. Since the interview was conducted on 21.06.2002, the quoted provision was governing the field.

7. Petitioner do not challenge the constitution of the committee comprising of the Vice-Chancellor, Director and the representatives from the Panel of the Sambalpur University and an expert earlier nominated by the Chancellor in case of another previous selection and argues to maintain that panel and pray to issue a writ of mandamus for publication of the result submitted by selection committed and kept in sealed cover. The Petitioners in each of the cases challenge to the jurisdiction and the authority of the Sambalpur University, i.e., Vice-Chancellor and the Syndicate in passing the Resolution No. 149 in cancelling the selection process, as per the above quoted Resolution No. 149. Learned Counsel for the Sambalpur University and also the learned Counsel for the Chancellor, on the other hand, state that in view of above quoted Sub-sections

(3) and (4) not only a nominee of the Vice-Chancellor was mandatory requirement for participation in the selection process but also if such a nominee is available he was to be within the forum as provided in Sub-section (4) and in this case though the University requested the Chancellor by issuing a letter on 20th May, 2002 to nominate an expert for the purpose of constituting selection committee but when no reply was received from the office of the Chancellor and keeping in view students agitation and the pressing circumstances arising therefrom selection committee was constituted by adding earlier nominee of the Chancellor for a previous selection committee as a member of the present selection committee. It is also the admitted position on record that letter from the office of the Chancellor dated 17.06.2002 selecting his nominee was received in the University on 22.06.2002, i.e., a day after the interview held on 21.06.2002. It is agreed upon at the Bar that in absence of a nominee from the Chancellor, adding such previous nominee, does not fulfill the requirement of law in Sub-sections 3 and 4. At the same time, it is submitted at the Bar that the selection process having initiated in 2001 and 2002 in the interest of everybody that, chancellor may re-consider his decision on the basis of which Resolution No. 149 was passed. Learned Counsel for the Petitioner states that Annexure-7 is the representation of the Petitioner in W.P.(C) No. 1092 of 2002 and Annexure-6 is the representation of the Petitioner in W.P.(C) No. 5193 of 2003. Petitioner in W.P.(C) No. 4300 of 2002 (Dr. Narottam Gaan) undertakes to file a representation to Chancellor within two weeks. All of them argue to dispose of the writ petitions with a direction for consideration of such representation and at the earliest to take a decision by the Chancellor.

8. Regard being had to the aforesaid facts and submission, we dispose of the writ petitions by this common order with direction to the Chancellor with an observation that the Chancellor may do well to consider the said representation and dispose of the same in appropriate manner at the earliest possible and preferably within a period of two months from the date of receipt of a copy of this order. Petitioner in each of the cases undertakes to file copy of the representation afresh before the Secretary to the Hon"ble Chancellor within a period of two weeks from today. Hence, requisites be also filed to communicate this order by Registered Post with A.D. to the office of the Chancellor and the Secretary to the Chancellor is directed to place before Hon"ble Chancellor this order and copies of the representations immediately after receipt of the same for appropriate consideration at the earliest.

10. All the writ petitions are disposed of accordingly. No cost.