
(1977) 08 RAJ CK 0014
In the Rajasthan High Court
Case No : Civil Writ Petition No. 749 of 1973

Hari Shanker Goyal

APPELLANT

Vs

University of Rajasthan, Jaipur and Others

RESPONDENT

Date of Decision : 12-08-1977

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : AIR 1978 Raj 58 : (1977) RLW 519 : (1977) WLN 593

Hon'ble Judges : A.P. Sen, J

Bench : Single Bench

Advocate : G.S. Singhvi, for the Appellant; M.M. Kasliwal, for the Respondent

Final Decision : Dismissed

Judgement

A.P. Sen, J.—This writ petition by Shri Hari Shanker Goyal, an advocate practising in this Court, and a registered graduate of the Rajasthan University, seeks the issuance of a writ of quo warranto against the respondent No. 2, Shri Ziauddin Khan, Professor and Head of the Department of Public Administration, Rajasthan University and against the respondents Nos. 3 and 4, namely, Sarvashri Girdhar Behari Sharma and Hosiar Singh, Lecturers, Department of Public Administration, Rajasthan University, from usurping the offices of Professor of Public Administration and Lecturers, Department of Public Administration, Rajasthan University, respectively.

2. During the pendency of the writ petition, the respondent No. 2, Shri Ziauddin Khan, retired as Professor and Head of the Department of Public Administration, Rajasthan University, in the year 1974. That being so, the relief claimed against him in the petition has become infructuous.

3. The learned counsel for the petitioner has, however, challenged the validity of the appointment of respondents Nos. 3 and 4, namely, Sarvasihri Girdhar Behari Sharma and Hosiar Singh, as Lecturers, Department of Public Administration, Rajasthan University, and has advanced a submission three-fold. Firstly, the

contention is that the constitution of the Selection Committee u/s 20 of the Statutes of the University was invalid inasmuch as Shri Ziauddin Khan could not be appointed as Professor of Public Administration as he did not have the requisite qualification. Secondly, the contention is that Shri D. C. Swami, who was a nominee of the Syndicate in the Selection Committee, not having attended the meeting of the Selection Committee held on August 4, 1972, the Selection Committee was not validly constituted. And thirdly, the contention is that Shri Rama Reddi, Professor and Head of the Department of Political Science, Usmania University and Professor S. M. Hasan, Professor and Head of the Department of Law in the Aligarh University, were not experts within the meaning of Statute 20 (2) (b) (v) for the reason that they were not the persons possessing special knowledge of the subject concerned, i. e., Public Administration. There is, in my opinion, no substance in any of the contentions.

4. Statute No. 20 of the University of Rajasthan, so far as material, read as follows :--

"20. (1) No person shall be appointed as a University teacher except on the recommendation of a Committee of Selection constituted for the purpose.

(2) The Committee of Selection shall consist of the following members:--

(a) For Professors.

(i) The Vice-Chancellor, Chairman.

(ii) The Dean of the Faculty concerned provided he is a University Professor or Principal of an affiliated Post-graduate College.

(iii) One Member of the Syndicate appointed by the Syndicate.

(iv) The Head of the Department concerned, not below the rank of Professor.

(v) Three persons possessing special knowledge of the subject concerned, appointed by the Chancellor on the recommendation of the Syndicate.

(b) For Readers and Lecturers,

(i) The Vice-Chancellor, Chairman,

(ii) The Dean of the Faculty concerned,

(iii) One member of the Syndicate appointed by the Syndicate.

(iv) The Head of the Department concerned.

(v) Two persons possessing special knowledge of the subject concerned, appointed by the Chancellor on the recommendation of the Syndicate.

(3) The Committee of Selection shall report to the Syndicate. If the Syndicate accepts the recommendation, it will make the appointment"

5. As regards the alleged invalidity of the constitution of the Selection

Committee, the contention that the appointment of Shri Ziauddin Khan, Professor and Head of the Department of Public Administration was invalid and therefore, he could not be a member of the Selection Committee, cannot be accepted. Under Statute 20 (2) (b) (v), the requirement is that Shri Ziauddin Khan should have been Head of the Department concerned and he was, indeed, the Head of the Department of Public Administration. In that view, it is not necessary to go into the question as to whether his appointment as Professor of Public Administration was or was not valid on the ground that the Diploma in Public Administration from the University of Hague, which he held had not been recognized by the Rajasthan University as being equivalent to Post Graduate Qualification in Public Administration. Suffice it to say, the Diploma in Public Administration of the University of Hague has since been recognized.

6. The meeting of the Selection Committee was also not invalid due to the absence of Shri D. C. Swami, the nominee of the Syndicate, because of his sudden illness. The argument is that the Selection Committee was to consist of six members, and the absence of one of them rendered the meeting of the Committee invalid. Reliance is placed on Mrs. Priti Prabha v. Dr. C. P. Singh ILR (1963) Raj 712 : (1969 Lab IC 913) and Dr. S. M. Gupta v. State of Rajasthan 1970 Raj LW 539 in support of the contention. In Mrs. Priti Prabha v. Dr. C. P. Singh ILR (1963) Raj 712 : (1969 Lab IC 913) (supra) Jagat Narayan and Mehta, JJ. held that the Selection Committee was not properly constituted and therefore the case is distinguishable. In Dr. S. M. Gupta v. State of Rajasthan 1970 Raj LW 539 (supra), Kan Singh. J. held that the absence of one of the members of the Committee rendered the constitution of the Selection Committee to be invalid. I am afraid, the decision does not lay down good law.

7. In Ishwar Chandra Vs. Satyanarain Sinha and Others, their Lordships, while construing the analogous provisions contained in Section 13 (2) of the University of Sagar Act, 1946, in repelling the contention that the constitution of the Selection Committee for the appointment of the Vice-Chancellor was invalid due to the absence of one of the members, observed,--

"There is little doubt that the impugned Order made by the Chancellor was based entirely on the legality of the meeting where only two out of three members were present when the name of the appellant was recommended."

Their Lordships then concluded, saying (at p. 1816 of AIR) :--

"It is also not denied that the meeting held by two of the three members on the 4th April 1970 was legal because sufficient notice was given to all the three members. If for one reason or the other, one of them could not attend, that does not make the meeting of others illegal. In such circumstances, where there is no rule or regulation or any other provision for fixing the quorum, the presence of the majority of the members would constitute it a valid meeting and matters considered thereat cannot be held to be invalid."

That really concludes the point.

8. Lastly, the contention that Shri Rama Reddy, and Shri S. M. Hasan could not be selected as experts in Public Administration, cannot also prevail. The University, in its reply has controverted the allegation that they had no special knowledge of the subject concerned i. e., Public Administration. It is stated that,--

"... .. it is submitted that both Sri Rama Reddy and Prof. S. M. Hasan were properly selected as experts in Public Administration. Professor Rama Reddy was Professor of Public Administration in the Post-Graduate Centre, Warangal, Usmania University and when he came to attend the meeting of the Selection Committee, he was Professor of Political Science. His specialisation is in the field of Public Administration within Political Science. Prof. S. M. Hasan, another expert was Professor of Law in the National Academy of Public Administration when his name was included in the panel. He was Professor and Head of the Department of Law in the Aligarh Muslim University, Aligarh, when he came to attend the meeting of the Selection Committee. His specialisation is within the field of Administrative Law. Administrative Law is one of the subjects in Public Administration included in the syllabus of Rajasthan University. Moreover, it rests with the University to judge the competence of a person to be regarded as expert in a particular subject."

9. My attention is, however, drawn to *The Union of India (UOI) and Others Vs. Dr. (Mrs.) S.B. Kohli and Another*, wherein their Lordships have laid down that the case of promotion to the post of Professor of Orthopaedics, the promotee under Rule 8 (3) read with the proviso of the Central Health Service Rules, 1963, Schedule 2, Annexure 2, Item 7 should have a post graduate degree in the concerned speciality and therefore her degree in F. R. C. S. in general surgery was not a post graduate equivalent degree in speciality of Orthopaedics. It is not necessary for me to go into the question for the reasons stated by the University in its reply. It is for the University to judge the competence of a person to be regarded as an expert in a particular subject. The University has in its reply duly supported by an affidavit, stated that Sri Rama Reddy was Professor of Public Administration in Post Graduate Centre, Warangal, Usmania University. His specialisation is in the field of Public Administration within Political Science, and when he came to attend the meeting of the Selection Committee, he was Professor of Political Science. Similarly, Professor S. M. Hasan another expert was Professor of Law in the National Academy of Public Administration when his name was included in the panel. He was Professor and Head of the Department of Law in the Aligarh Muslim University, Aligarh, when he came to attend the meeting of the Selection Committee. His specialisation lies within the field of Public Administration. Administrative Law is one of the subjects in Public Administration included in the Syllabus of Rajasthan University. In *Principal, Patna College, Patna and Others Vs. Kalyan Srinivas Raman*, their Lordships of the Supreme Court have held that there should be no interference of the High Court in such academic matters. That must be more so in this particular case, because the recommendation of the Selection Committee was approved of by the Syndicate. Incidentally, the petitioner has nowhere alleged that these gentlemen did not

have special knowledge in the subject concerned i. e., Public Administration. The matter must really rest at that.

10. In the result, the writ petition fails and is dismissed. There shall be no order as to costs.