

(2015) 04 CAL CK 0035
In the Calcutta High Court

Case No : W.Ps. 14739(W) of 1992, 1549(W) of 2004 and 17715(W) of 2015

Ranajit Bhattacharya

APPELLANT

Vs

Bidhan Chandra Krishi Viswavidyalaya and Others

RESPONDENT

Date of Decision : 24-04-2015

Acts Referred:

Citation : (2015) 2 CALLT 345 : (2015) 2 ESC 949

Hon'ble Judges : Ashis Kumar Chakraborty, J

Bench : Single Bench

Advocate : Gopal Chandra Ghosh, Om Narayan Rai and Jayeeta Kaunda, for the Appellant; Amal Baran Chatterjee and Kamalesh Jha, Advocates for the Respondent

Final Decision : Dismissed

Judgement

Ashis Kumar Chakraborty, J.—The above three writ petitions were filed by the same petitioner against the respondent No. 1 Bidhan Chandra Krishi Vishya Vidyalaya and its Vice-Chancellor and other officers. Since the disputes raised in all the three writ petitions arise out of the course of employment of the petitioner with the said University, all the three writ petitions are taken up together for hearing and disposed of by this common judgment.

2. The facts which are relevant for deciding the three writ petitions may be stated.

3. On December 11, 1972 the petitioner joined the University of Kalyani as Assistant Engineer (Electrical). In the year 1974, Bidhan Chandra Krishi Vishyavidyalaya (hereinafter referred to as "the respondent University"), the respondent No. 1 in all the writ petitions, was set up by the Government of West Bengal. The petitioner together with some other officers of University of Kalyani were transferred to the respondent University. Thereafter, the petitioner opted for and remained in the service of the respondent University as its Assistant Engineer (Electrical).

4. In May, 1978 the respondent University re-designated the post of the Assistant Engineer (Electrical) as Electrical Engineer and the petitioner became the Electrical Engineer of the respondent University. According to the petitioner, he was the sole person who discharged the responsibilities of both Civil Engineering and Electrical Engineering works of the respondent University. On August 29, 1990, the respondent University published an advertisement in a daily English newspaper inviting application for the purpose of filling up the post of "University Engineer (Civil)". The petitioner contended that he was the "University Engineer (Civil)" and as such the respondent University had no right to appoint any other person as the "University Engineer (Civil)". The petitioner filed a writ petition being W.P. 14739(W) of 1992 (hereinafter referred to as "the first writ petition") before this Court and challenged the said newspaper advertisement. In the first writ petition, on September 24, 1992 a learned Single Judge of this Court passed an interim order of stay of operation of the said advertisement dated August 29, 1992 published in the newspaper pending disposal of the writ application. It was only March 18, 2015, when the counsel for the petitioner submitted before this Court, that the said writ petition has become infructuous.

5. So far as the writ petition being W.P. 17715(W) of 1993 (hereinafter referred to as "the second writ petition") is concerned, the subject matter of challenge in the writ petition, is the order of suspension dated September 21, 1993, issued to the petitioner, by the Vice-Chancellor of the respondent University. In the said order of suspension, it was stated that a disciplinary proceeding was contemplated against the petitioner by the respondent University and as such the Vice-Chancellor of the University, in exercise of his power under Section 21(6) of the Bidhan Chandra Krishi Vishyavidyalaya Act, 1974 read with Section 4(1)(a) of the Bidhan Chandra Krishi Vishyavidyalaya (Discipline, Penalty and Appeal) Ordinance placed the petitioner under suspension with immediate effect and during the period of his suspension, the petitioner would be entitled to subsistence allowance as per the aforesaid Ordinance. In the second writ petition, on October 01, 1993 a learned Single Judge of this Court passed an ad-interim order, to the effect that the petitioner would not join his post but he will be entitled to his remuneration for the month of October and November on the condition that in the event the writ petition fails, he would return back the money and the same would be adjusted from other benefits. By the said order dated October 05, 1993, the respondent University and its authorities were directed not to proceed against the petitioner till December 06, 1993. By an order dated December 06, 1993 the said interim order dated October 05, 1993 was directed to continue till the disposal of the writ petition. The petitioner alleged that he was not paid his salary after November, 1993 and he filed a contempt application against the Registrar and other officers of the respondent University. In the said contempt application on June 03, 1994 a learned Single Judge passed an order directing the alleged contemnors to pay an amount of Rs. 5,000/- per month to the petitioner from December, 1993 and the arrears from December, 1993 to

May, 1994 should be paid within the period of fortnight from the date of the said order. The said order dated June 03, 1994 was complied with by the respondent University. On April 04, 1996 a learned Single Judge of this Court passed a further order in the second writ petition, suggesting that the dispute involved in the writ petition can be resolved by introducing some formula from alternative dispute resolution and this can be done by conciliation and mediation by and through the administration. The matter was adjourned till April 18, 1996 and in the meantime, the petitioner was given opportunity to resume his duty. On April 25, 1996 a further order was passed by the learned Single Judge recording that the petitioner was allowed to resume his duties and the functionaries of the universities had made arrangement so that the petitioner can perform his duty effectively. By the said order, the learned Single Judge further expressed the desire that the dispute could be resolved if the petitioner is allowed to continue for another four weeks and in the meantime, University functionaries would consider the performance of the petitioner. It was further held that the University authorities/respondents would not press for the contention of suspension order or disciplinary proceedings or otherwise and the matter would be resolved amicably. The said order dated April 25, 1996 further directed that the petitioner would perform all the functions of the electrical division, he will be deemed to be in-charge of the electrical division and he would be accountable to the Vice-Chancellor and none else. It was further held that the petitioner was allotted his usual duties, therefore, the University would release full salary to the petitioner month by month. The said order also directed the petitioner and the Vice Chancellor to submit their separate report to this Court and the hearing of the application was fixed on June 20, 1996.

6. In terms of the said order dated April 04, 1996 the petitioner filed a report before the learned Single Judge and disclosed a letter dated April 15, 1996 issued by the respondent University where it was stated that in honouring the desire of this Court, the petitioner being the Electrical Engineer (under suspension) of the University was permitted to resume his duties as Electrical Engineer to discharge his functions as to be assigned to him from time to time.

7. By an order dated August 19, 1996 it was recorded that the Advocate of the petitioner handed over a computation towards amount payable to the petitioner subject to adjustment towards provident fund contribution, income-tax and profession tax. By the said order, it was further directed that on the next date of hearing, that is, on August 26, 1996, the said writ petition would be heard along with the first writ petition wherein the said order of September 24, 1992 was passed by another learned Single Judge. However, it appears that after August 1996 neither the second nor the first writ petition was heard by this Court and on basis of the aforesaid orders passed by this Court the petitioner continued with his service in the respondent University.

8. On January 31, 2004 the petitioner retired from his service. However, two days before his retirement, that is, on January 29, 2004 the petitioner filed

another petition being W.P. No. 1549(W) of 2004 (hereinafter referred to as "the third writ petition"). In the third writ petition, the petitioner has claimed the benefit of career advancement/promotion scheme be allowed to him to the higher scale of Rs. 16,400-420-22,400/- with effect from February, 2002. The claim of the petitioner, in the third writ petition was based on Memo No. 1068-Edn-3E(U)-09/2001 dated 03/07.03.2002 issued by the Government of West Bengal, department of Agriculture, Education Branch (hereinafter referred to as "the said Government order") introducing revised career advancement/promotion scheme for the whole time officers appointed against the post approved by the State Government with approved scales of pay under the respondent University. The relevant clause of the said Government order being Clause B.3, relied by the petitioner provides as follows:

"An officer of the rank of Deputy Registrar or equivalent carrying the scale of pay of Rs. 12,000-420-18,300/- may be promoted to a higher post, carrying the scale of Rs. 16,400-450-22400/- with retention of the same designation or the designation of Joint Registrar or equivalent, if he/she has satisfied, into the following conditions:

- a) has completed eight years of continuous service as the Deputy Registrar or equivalent.
- b) has performed satisfactorily on the basis of the self-appraisal and on the performance report of his/her superior officer to be assessed by a duly constituted Standing Committee.

9. On September 16, 2002 a notification was issued by the respondent University inviting applications from its officers desiring to apply for the benefit under the said career advancement scheme. By a further notification dated October 07/09, 2002 the respondent University informed all concerned that the officers desiring to apply in terms of the said career advancement/promotion scheme, would have to submit the application through their respective controlling officers, who would inturn forward the self Appraisal Report along with his own separate report to the Registrar. The petitioner submitted his application for the said career advancement/promotion scheme together with his self-appraisal form to the Vice-Chancellor of the respondent University. By a letter dated June 13, 2003 Vice-Chancellor directed the petitioner to appear before the selection committee for personal interview for the said career advancement/promotion scheme. The petitioner accepted the said letter of the Vice-Chancellor and appeared before the selection committee on June 18, 2003 for interview. By an order dated June 23, 2003 Vice-Chancellor of the respondent University declared the name of the officers who were upgraded to the next scale of pay under the said revised career advancement/promotion scheme but the name of the petitioner was not there in the said order. After seven months from the date of the said order dated June 23, 2003 and just two days before retiring from the service the petitioner filed the third writ petition.

10. In paragraph 16 of the third writ petition, the petitioner stated that he came to know immediately after reports of the interview of the officers were placed before the Executive Council of the respondent University, in sealed cover for finalization of their promotion/career advancement, the report of all the officers were opened but the records of his case were not at all opened in the meeting of the Executive Council. According to the petitioner he was informed by the Vice-Chancellor verbally that the report concerning him would not be opened and considered, until and unless he withdraws the cases filed before this Court against the respondent University. However, it appears that in terms of a direction passed by the learned Single Judge of this Court, on May 7, 2004, the respondent University produced the sealed cover containing the decision of Standing Committee (Selection Committee) in respect of the petitioner before this Court. When the said sealed cover was opened before the learned Single Judge on May 14, 2004 the decision of the Standing Committee (hereinafter referred to as "the selection committee") was produced the relevant portion whereby is set out hereinbelow.

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The Committee, having gone through the Recommendation of the Screening Committee and after careful consideration of the terms and conditions laid down in the G.O. as above and performance in the interview recommends the following.

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11. I will first deal with the first writ petition being W.P. 14739(W) of 1992. The said interim order of injunction dated September 24, 1992 staying advertisement inviting applications to the post of University Engineer (Civil) is still subsisting during the pendency of the writ petition. In the meantime, on January 31, 2004 the writ petitioner has retired from his service of the respondent University. Therefore, Mr. Gopal Chandra Ghosh, learned Advocate for the petitioner has submitted that the said first writ petition has become infructuous. Accordingly, the first writ petition being W.P. 14739(W) of 1992 stands dismissed as infructuous.

12. So far as the second writ petition, being W.P. 17715(W) of 1993 is concerned, from the facts as stated above, it is evident that there was no adjudication, by this Court, as to whether the suspension order dated September 21, 1993, issued by the respondent University, suspending the petitioner from his service was valid or illegal. However, by the said interim order dated October 01, 1993, which was extended till disposal of the writ petition, not only the operation of the said notice of suspension dated September 21, 1993 was stayed, even the respondent University was restrained from initiating the disciplinary proceeding against the petitioner. Further, without declaring the said order of suspension to be illegal, the petitioner was directed to resume the duty of the Electrical Engineer. Even in the letter dated April 15, 1996, issued by the respondent University it was expressly stated that the petitioner (under

suspension) was permitted to resume his duties only to honour the direction of the learned Single Judge of this Court who passed the said order dated April 04, 1996 and not that the said suspension order dated September 21, 1993 was withdrawn or that any decision was taken by the appropriate authority not to initiate the disciplinary proceeding against him. Be that as it may, the fact remains that on the basis of the aforesaid interim orders passed by a learned Single Judge of this Court, the petitioner resumed his duties of the respondent University and he rendered service to the respondent University till his superannuation on January 31, 2004. Even in the third writ petition, the petitioner obtained an interim order for release of his retiral dues by the respondent University on the basis of the scale of pay from which he retired, without prejudice to his rights and contentions in the third writ petition.

13. Mr. Ghosh, appearing for the petitioner submitted in the second writ petition that the order of suspension dated September 21, 1993 was passed against the petitioner on the ground that the respondent University had proposed to initiate disciplinary proceeding against the petitioner, but in fact no disciplinary proceeding was initiated against the petitioner. Therefore, according to Mr. Ghosh, the said suspension order is liable to be set aside and third writ petition being W.P. 17715(W) of 1993 should be allowed. This was the only contention raised by Mr. Ghosh in the second writ petition.

14. I am, however, unable to accept such submission of Mr. Ghosh. As already held, by virtue of the said interim order dated October 01, 1993, which is valid even today, the respondent University and its authorities were restrained from proceeding against the petitioner. Thus, the respondent University was restrained from initiating any disciplinary proceeding against the petitioner. Again, without any prima facie finding of this Court that the suspension order dated September 21, 1993 was vitiated by any illegality, the petitioner was allowed to resume his duty and during pendency of the writ petition, the writ petitioner retired from the service of the respondent University. Mr. Ghosh did not make any submission with regard to any outstanding due of the petitioner from the respondent University either on account of salary and retiral benefits. In these circumstances, there is no scope to pass any further order in the second writ petition and as such W.P. No. 17715(W) of 1993 is disposed of without any further order.

15. In support of the third writ petition Mr. Ghosh strenuously urged that there was no scope for the selection committee to judge the petitioner's performance in the interview and as such the finding of the selection committee not to recommend the name of the petitioner on the ground of performance of the petitioner in the interview is patently illegal and liable to be set aside by this Court. He referred to the Annexure-P13 of the said supplementary affidavit and submitted that the selection committee and the respondent University has granted the benefit the said career advancement/promotion scheme to three persons namely Dr. (Mrs.) M. Chowdhury, Dr. Anal Roy and Mr. A. Banerjee who

were not eligible for being recommended the benefit of the said career advancement/promotion scheme. He further submitted that there was another person namely, Amit Kumar Roy who was not appointed against the approved post of the State Government was also granted the benefit of the said career advancement/promotion scheme, when he did not fulfill the eligibility condition to obtain the benefit under the said scheme. Thus, according to Mr. Ghosh, the petitioner was discriminated against the said four persons and as such the petitioner's prayer in the third writ petition for higher scale of Rs. 16,400-420-22,400/- with effect from February, 2002 should be allowed. In support of his contention, Mr. Ghose relied on an unreported decision dated 28.04.2004 of a learned Single Judge of this Court in W.P. No. 18257(w) of 2003 (Dr. Gurupada Sarkar Vs. The State of West Bengal and ors.)

16. However, Mr. Amal Baran Chatterjee, learned Senior Advocate appearing for the respondent University and its officers first contended that neither in the writ petition nor in the supplementary affidavit, the petitioner has made any prayer for setting aside the decision of the Selection Committee not to recommend the name of the petitioner for obtaining the benefit of the said career advancement/promotion scheme. He contended that the selection committee was empowered to hold an interview and to consider not only the self appraisals submitted by the candidates but also the recommendation of the respective controlling officer of the candidates. Mr. Chatterjee further submitted that the selection committee was an expert body and out of the five members of selection committee, three were the senior Professors of Jadavpur University. According to Mr. Chatterjee the petitioner could not substantiate that the decision of the selection committee in respect of him is violative of any condition laid down in the said Government orders dated March, 03/07, 2002 introducing the said career advancement scheme. He further submitted that the unreported decision of a learned Single Judge of this Court in the case of Dr. Gurupada Sarkar (supra) has no application in the instant case.

17. I have considered the submissions made on behalf of both the writ petitioner and the respondent University. With regard to the contention raised by Mr. Ghosh that the selection committee had no authority to hold an interview and judge the petitioner's performance, I am unable to accept such contention. The said letter dated June 13, 2003 being (Annexure-F to the writ petition) the Vice-Chancellor of the respondent University requested the petitioner to appear before the selection committee for personal interview for the said career advancement/promotion scheme. The petitioner accepted the said notice and appeared in the interview held by the selection committee on June 18, 2003. Thus, the petitioner cannot contend that the selection committee had no authority to hold an interview or that there was no scope for judging the performance of a candidate in the interview. Further, the petitioner has not alleged that in the interview, the members of the selection committee did not put any question to him or that the other candidates, who had applied to obtain the benefit of the said career advancement, were not required to appear in the interview held by the selection

committee or that the selection committee did not judge the performances of the other candidates in their respective interviews. Therefore, there is no merit in the first contention of the petitioner.

18. The second contention of Mr. Ghosh was that the selection committee recommended the aforesaid four officers who did not fulfil the essential condition for getting the benefit of the said career advancement/promotion scheme, but his name was not recommended in spite of the fact he fulfilled all the conditions in a far superior manner to the others shown in the said comparative chart, annexed to his supplementary affidavit. He alleged that the officers named in Serial Nos. 1 and 2 of the Chart disclosed in his supplementary affidavit, namely, Dr. (Mrs.) M. Chowdhury and Dr. Amal Roy (both were Medical Officers) did not satisfy the essential conditions of having post graduate degree or any computer training. About Mr. A. Banerjee, appearing as serial number 3 of the said chart, the petitioner alleged that he had no computer training, he obtained second class in B.A. and M.A. and the marks obtained by him are not consistently good as per the standard laid down for the eligibility of the post of Deputy Registrar. The petitioner has further alleged that one Shri Amit Roy who was not eligible for consideration for the said career advancement scheme as he was not a whole time officer appointed against the approved scale of pay under the University was also recommended for another promotion under the said career advancement. Mr. Ghosh contended that the above facts show that the assessment of the standing committee is biased, arbitrary, in complete violation of the said Government order dated March 03/07, 2002 and vitiated by colourable exercise of power.

19. It is the settled law that function of the selection committee is purely administrative and not judicial or adjudicatory and under such circumstances, a selection committee is not required to give reason for selecting candidates in the absence of statutory requirement. However, the selection committee must observe procedural fairness and the selection committee must take a decision reasonably without being guided by extraneous or irrelevant consideration. Court cannot encroach upon the powers of the selection committee, by substituting its own view and opinion, in the absence of oblique motive attributed to the selection committee. In this regard, reference may be profitably made to the decision of the Supreme Court in the case of National Institute of Mental Health and Neuro Sciences vs. Dr. K. Kalyana Raman and Ors. reported in AIR 1982 SC 1806.

20. Mr. Ghosh, on behalf of the petitioner contended the said Dr. (Mrs.) M. Chowdhury, Dr. Amal Roy and Mr. A. Banerjee and Mr. Amit Kumar Roy were illegally granted the benefit of the said career advance/promotion scheme. However, in third writ petition, the petitioner has not impleaded any of said persons, who were the necessary parties. In any event, the condition laid down in Clause 3(a) of the said Government order dated March 03/07, 2002 introducing the said career advancement scheme, relied by the petitioner,

stipulates that an officer, in order to be eligible to apply for the benefit of the scheme must have held the post Deputy Registrar or equivalent with continuous service for eight years and from the chart annexed to the supplementary affidavit it is evident that the said Dr. (Mrs.) M. Chowdhury, Dr. Amal Roy and Mr. A. Banerjee were already holding the post equivalent to the Deputy Registrar at scale of pay Rs. 12,000-420-18,300/-. It is not the case of the petitioner that any of the said three persons did not hold the post of Deputy Registrar or equivalent with continuous service for eight years. The said Government order dated March 03/07, 2002 laying down the condition of eligibility of an officer to apply for the benefit of the said career advancement scheme did not require that the candidate must hold post graduate degree or computer training or must have obtained first class in graduation and post graduation. Once those persons were already holding the post equivalent to the Deputy Registrar the allegations of the petitioner that the said persons could not be granted the benefit under the said career advancement scheme loose significance. So far as the allegation of the petitioner against the said Amit Kumar Roy, Technical Officer of the comprehensive scheme of cost of cultivation, assuming for the sake of argument that the petitioner's allegation against him is correct, even in that event also Mr. Amit Roy belonged to a different category from that of the petitioner. While the petitioner was already at the scale of pay Rs. 12,000-420-18,300/- and claimed promotion to higher scale of Rs. 16,400-450-22,400/- under Clause B.3 of the said Government order dated March 03/07, 2002 Shri Amit Kumar Roy was granted upgradation from the scale of Rs. 10,000-325-15,200/- to the scale of pay of Rs. 12,000-430-18,300/-, a category either under Clause A.2 or Clause B.1 of the government order. Thus, the petitioner belonging to a different category from that of Shri Amit Kumar Roy cannot either challenge the benefit granted to Shri Amit Roy or contend to have suffered any discrimination vis-a-vis Amit Kumar Roy, that too without impleading the said person in the third petition.

21. In any event, the petitioner verified the allegations made in paragraph 12 of his supplementary affidavit and paragraph 16 of his affidavit in reply, against Shri Amit Kumar Roy as true to his knowledge. The respondent University denied such allegation against Shri Amit Kumar Roy. In paragraph 13 of their affidavit-in-opposition to the supplementary affidavit of the petitioner, the respondent University stated that no officer has been extended the benefit of the said career advancement scheme in violation of the conditions and guidelines in the said Government order dated March 03/07, 2002 and Amit Kumar Roy fulfilled all the criterion for career advancement. Thus, onus lied with petitioner to disclose documents to substantiate the allegations he made against Shri Amit Kumar Roy, but he has failed to discharge such onus. It is now trite that when a selection committee recommends selection of a person, the same cannot be presumed to have been done in a mechanical manner, in absence of any allegation of favouritism or bias. A presumption arises in regard to the correctness of an official act. The party who makes any allegation of bias or favouritism is required to prove the same. In this regard reference may be made to the decision of the

Supreme Court in the case of Union of India (UOI) and Others Vs. Bikash Kuanar, (2006) 111 FLR 707 : (2006) 12 JT 578 : (2006) 10 SCALE 86 : (2006) 8 SCC 192 : (2006) SCC(L&S) 1937 .

22. So far as the unreported decision of the learned Single Judge of this Court in W.P No. 18257(w) of 2003 dated April 28, 2004 in the case of Dr. Gurupada Sarkar (*supra*) relied upon by Mr. Ghosh, in the said decision the learned Single Judge found that the selection committee had refused to promote the writ petitioner in the said case in utter violation of the conditions laid down in the notification inviting self-appraisal report in prescribed forms for implementation of career advancement. In the said notification specific guidelines were laid down for awarding marks/points to an applicant. In the said case although the petitioner had obtained 84 marks but the selection committee did not recommend the name of the writ petitioner by giving a reason that "academic attainment to be improved". Since in the said case, the notification itself laid down the norms which were required to be followed and scores which were to be given to an applicant, the learned Single Judge held that there was no scope for the selection committee to reject the claim of the petitioner for promotion on the ground of "lack of academic attainment". The learned Single Judge held that in the said case the selection committee had taken into consideration extraneous circumstances or irrelevant factors in the case of the writ petitioner. In the said case since the notification itself laid down the norms which were required to be followed and scores were to be given to an applicant, there was a requirement for the selection committee to prepare a score sheet to demonstrate that what was the basis of selection of candidates who merely obtained 43 marks whereas the petitioner obtained 84 marks even according to the selection committee. However, in the instant case, from the said Government order dated March 03/07, 2002 did not lay down any requirement or norm for any score to be given to an applicant under the said career advancement/promotion scheme on the basis of the applicants' self appraisal. Even Clause 3(a) of the said Government order dated March 03/07, 2002 introducing the career advancement scheme relied by the petitioner did not lay down a minimum educational qualification to be held by an officer of the respondent University for being entitled to apply for the benefit under same career advancement scheme. Clause 3(b) of the said memorandum made the selection committee to be the appropriate authority to assess the claim of application of an officer claiming benefit of the said career advancement/promotion scheme on the basis of his/her self appraisal and on the performance report of his/her superior (Controlling) officer. The said memorandum did not provide for any condition for allotment of any mark/score to the applicants claiming benefit of the said career advancement scheme. Even the petitioner has not been able to demonstrate that he has been deprived of the benefit of the said career advancement/promotion scheme by the respondent University by granting the same benefit to any officer who was not otherwise entitled to obtain the benefit of the same career advancement scheme. Thus, the said unreported decision in W.P No. 18257(w) of 2003 in the case of Dr.

Gurupada Sarkar (supra) cannot be made applicable to the facts of this case.

23. At this stage, it may not be but by context to mention that in this case the said office memorandum dated March 03/07, 2002 laid down one of the essential conditions for obtaining benefit of the said career advancement/promotion scheme that the applicant officer must have completed eight years of continuous service as the Deputy Registrar or equivalent.

24. However, as stated above, in the instant case, by the said order dated September 21, 1993 the petitioner was suspended from his service by the respondent University and in terms of order passed by this Court in the above second writ petition, the petitioner was allowed to resume his duty sometime in 1996, that too without any decision that the said order of suspension dated September 21, 1993 was illegal. In these circumstances, there is serious doubt as to whether the petitioner fulfilled the said essential requirement laid down in the said Government order dated March 03/07/2002 that the applicant officer must have held eight years of continuous service to the post of Deputy Registrar or equivalent.

25. For all the aforesaid reasons, I find no merit in the third writ petition. Accordingly, the writ petition being W.P. No. 1549(w) of 2004 stands rejected.

26. However, there will be no order as to costs.

27. Since the envelope containing the original decision of the selection committee in respect of the petitioner was submitted by the respondent University to this Court, let said original decision be returned to the Advocate-on-Record of the respondent University, after keeping a copy of the same in the records of this Court.

28. Urgent certified photocopies of this judgment, if applied for, be given to the learned Advocates for the parties upon compliance of all formalities.