
(2011) 12 SHI CK 0298
In the High Court Of Himachal Pradesh
Case No : CWP No. 3659 of 2010-D

Sonika Gupta

APPELLANT

Vs

Dr. Y.S. Parmar University

RESPONDENT

Date of Decision : 22-12-2011

Acts Referred:

Citation : (2011) 12 SHI CK 0298

Hon'ble Judges : Dev Darshan Sood, J

Bench : Single Bench

Judgement

Dev Darshan Sud, J.—The petitioner approaches this Court for issuance of an appropriate writ for quashing the appointment of respondent No. 3 inter-alia on the ground that her case was not properly considered despite the fact that she was duly qualified for the consideration to the post of Assistant Professor in Production Economics and Natural Resource Economics in terms of the advertisement Annexure P1 issued by the respondent University. The petitioner was heard and record of the Selection Committee perused.

2. At this stage, I would like to observe that it would not be for this Court to sit as an appellate authority over the expert committee to evaluate and assess the comparative merits of the petitioner and respondent No. 3 or to pronounce upon the eligibility on the facts on record. If perversity is established on the facts, this Court can certainly examine the decision making process and the conclusion arrived at. However, what this Court is called upon to adjudicate is the fact that despite the petitioner being found eligible for consideration to the post of Assistant Professor in Production Economics and Natural Resource Economics and similarly, respondent No. 3 being also found eligible by the Screening Committee as recorded in Annexure P-2, the case was not properly considered by the Selection Committee.

3. The record of the Selection Committee, which comprises of seven members, was called for. However, when the selection of respondent No.3 was made, the Committee only records:

.....RECOMMENDATIONS OF THE SELECTION COMMITTEE The Selection Committee interviewed above three candidates for the post of Assistant Professor Economics in Production Economic(s) and Natural Resource Economics. Shri Subhash Sharma Sr. No. 2 fulfilled condition in Natural Res. Economics having studied 5 courses in the field and also specialization and experience in the same, therefore, recommended for selection.

Since Production Economics Post was reserved for ST and no candidate belonged to ST category, therefore, no candidate is recommended.....

4. I find that despite the Screening Committee having found both the petitioner and respondent No. 3 eligible, the Selection Committee has not recorded any reasons as to why the petitioner cannot be considered against the post for which she was found eligible by the Screening Committee. It is in these circumstances that this Court is called upon to judge the legality of the selection made.

5. The reasons spelt out in the final selection need not be elaborated or detailed. Some qualitative comparative analysis of the merits of the incumbents by the Committee, which consists of eminent experts, should be on record to indicate the exclusion of the candidate who otherwise has been declared eligible for consideration. It is not a qualitative reason required to be placed on record. In these circumstances, this writ petition is allowed only to the extent that

(a) the recommendations of the Selection Committee are set aside;

(b) the same selection committee, if possible, shall meet again to consider the case of both the petitioner as also respondent No.3. In case it is not possible to constitute the committee with the same members, then in that event, afresh Selection Committee in accordance with Act, Rules and Statutes of the University be convened;

(c) till such time, the Committee meets and makes the selection, respondent No.3 will continue to discharge the duties of Assistant Professor in Production Economics and Natural Resource Economics in the respondent University and shall be entitled to all benefits of pay and perquisites as admissible under the Act, Rules and Statutes.

6. This judgment does not pronounce on the various submissions made by the parties to this writ petition including their eligibility or ineligibility or their comparative merits. This fact would be considered by the Selection Committee, which shall meet again, preferably not later than six months from today. It is clarified that if the Selection Committee again recommends the case of respondent No. 3 for selection, then it is but obvious that he would be continued in service including seniority etc. and all other service benefits.

7. Petition stands disposed of. No order as to costs. All miscellaneous application(s), if any, also stands disposed of.