
(2002) 08 AHC CK 0059
In the Allahabad High Court
Case No : C.M.W.P. No. 18092 of 1999

Zafar Ali Khan

APPELLANT

Vs

Aligarh Muslim University and Others

RESPONDENT

Date of Decision : 27-08-2002

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2002) 5 AWC 3812

Hon'ble Judges : N.K. Mehrotra, J;G.P. Mathur, J

Bench : Division Bench

Advocate : Mahesh Chandra Tripathi and Amit Saxena, for the Appellant; Dilip Gupta, for the Respondent

Final Decision : Dismissed

Judgement

G.P. Mathur, J.—This petition under Article 226 of the Constitution has been filed for quashing the selection/interview held by the Aligarh Muslim University on 5.2.1983, the office memo dated 8.2.1983 giving appointment to the selected persons and also the resolution of the Executive Council of the University dated 12.9.1998.

2. The Petitioner claims to have been appointed as Research Assistant in the department of Political Science of Aligarh Muslim University (for short, the A.M.U.) on ad hoc basis on 1.12.1975 and worked in the said capacity till October, 1976. Thereafter, by the letter dated 15.11.1976, he was appointed as temporary lecturer. He further claims that he was appointed as lecturer on 13.1.1979 for a period of one year or till a regularly selected candidate joined the department, whichever was earlier. An advertisement was issued on 30.1.1982 inviting applications for the post of lecturer in the department of Political Science and for various other posts. A selection committee was constituted which conducted interview of the candidates on 5.2.1983. Subsequently, by the order dated 8.2.1983, seven lecturers were appointed in the department of Political Science. As a result of appointment of regularly selected candidates, the

Petitioner's services were terminated. The Petitioner preferred an appeal/representation to the Executive Council of the A.M.U. on 26.6.1983, but he was informed on 20.7.1984 that his appeal could not be considered on merits as he was not an employee of the University. He then filed Writ Petition No. 16548 of 1984, which was finally decided on 15.5.1998, with a direction to the Executive Council to decide the Petitioner's appeal by a reasoned order. Ultimately, his appeal was rejected by the order dated 12.9.1998.

3. Learned Counsel for the Petitioner has submitted that the advertisement issued by the University mentions that the selection will be made on one post of lecturer in Political Science, but 7 persons were appointed which was clearly illegal. Learned Counsel has further submitted that the constitution of the selection committee was not in accordance with the provisions of the statutes of the University and consequently, the selection made was illegal.

4. Coming to the contention based upon the alleged defect in the constitution of the selection committee, it may be pointed out that the Petitioner was also called for interview and he appeared before the selection committee but he was not selected. It has been held in *G. Sarana Vs. University of Lucknow and Others*, , that after having appeared before a selection committee, it is not open to a candidate to assail or challenge the constitution of the selection committee. Therefore, this contention cannot be accepted.

5. The other contention is that though only one post of lecturer in Political Science had been advertised, the selection of seven persons was made and they were given appointment orders. It may be mentioned that the advertisement was made on 30.1.1982 and the interview was held on 5.2.1983. The appointment of seven persons as lecturers was made on 8.2.1983. A period of nearly nineteen-and-a-half years has elapsed since the appointments were made. These persons have not been arrayed as party to the writ petition and, consequently, notice has not been issued to them and they are not before the Court. Sri Dilip Gupta, learned Counsel for the University, has made a statement that many of these seven persons have earned promotions and have become Readers and Professors by now. The Petitioner's services were terminated in February, 1983 and he is out of the department since then. He must have lost touch with the subject. It is true that the Petitioner was pursuing his remedy and is not to be blamed for this inordinate delay. Nevertheless, in the facts and circumstances of the case it will be wholly unjust and improper to set aside the selection and appointments made in the year 1983. We are, therefore, of the opinion that this is not a fit case in which this Court should interfere at the present stage.

6. The writ petition is accordingly dismissed.