

Serial No.05
Supp. List

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP(C). No. 229 of 2023

Date of Order :08.08.2023

Dr. Bidyadhar Das Vs. North Eastern Hill University & Ors.

Coram:

Hon'ble Mr. Justice H.S.Thangkhiew, Judge.

Appearance:

For the Petitioner/Appellant(s) : Mr. K.Paul, Sr. Adv with
Ms. R.Dutta, Adv.

For the Respondent(s) : Mr. S.Sen, Adv.
Ms. S.Shallam, Adv. for R 1 & 2.
Ms. P.Agarwal, Adv. for R 3.

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| i) | Whether approved for reporting in
Law journals etc: | Yes/No |
| ii) | Whether approved for publication
in press: | Yes/No |

JUDGMENT AND ORDER (ORAL)

1. The writ petitioner, an aspirant for the post of Professor in the Zoology Department, North Eastern Hill University is before this Court, impugning the process of screening by the Screening Committee on the

allegation that, candidates who do not possess requisite qualifications were called for personal interview. The basis for this assertion as it appears from the pleadings and submissions, is that while interacting with the other candidates on the date of the personal interview on 07-07-2023, he discovered that some of them did not have the required qualification in the subject of zoology. Being aggrieved thereby, the petitioner has prayed for directions to forbear from giving effect to the impugned selection process for the post of Professor in the Department of Zoology, as advertised on 16-03-2022.

2. Mr. K. Paul, learned Sr. counsel assisted by Ms. R. Dutta, learned counsel for the petitioner, has submitted that the writ petitioner has approached this Court at this stage itself as the Screening Committee, by calling ineligible candidates for personal interview, has vitiated the entire selection process. He submits that the Zoology Department has been classified as one discipline in the School of Life Sciences but however, the calling for the interview of some candidates, who do not possess the requisite qualification or specialization in the required field, establishes the fact that the process is not as per the prevalent norms and the screening not transparent. Learned Sr. counsel, has also referred to a table which has been detailed in para 12 of the writ petition, showing the credentials and qualifications of the other applicants which are to the knowledge of the

petitioner, and demanded that the respondent University file an affidavit to clarify the entire matter of eligibility.

3. Mr. S.Sen, learned counsel for the respondent University, has strongly resisted the submissions of the learned Sr. counsel and submits that the instant writ petition, has been filed with an oblique objective to browbeat the respondent University, in order to derail and upset the selection process. The learned counsel submits that the petitioner who has subjected himself to the selection process, has at a very premature stage challenged the same on baseless and unsubstantiated allegations. The learned counsel submits that Zoology is a part of the School of Life Sciences which also includes Biochemistry, Biotechnology, Bioinformatics and Botany Department. These Departments he submits, coming within the umbrella of School of Life Sciences, applicants therefore, who possess allied, connected or relevant disciplines qualifications, were eligible and had been found to be so, by the expert body that screened the candidates. The learned counsel has referred to the UGC Regulation, 2018 wherein the requirement to be eligible for the post of Professor is a Ph.D. Degree in the concerned/allied/relevant discipline, apart from other requirements such as publications etc. He submits that all the other applicants who therefore possess such qualifications in the concerned or allied disciplines in the School of Life Sciences, were therefore found eligible.

4. He lastly submits that the writ petition being absolutely without merit, is liable to be dismissed with cost.

5. Having heard learned counsel for the parties, it is noted that the petitioner as stated, is a candidate/applicant who has taken part in the selection process, but who now seeks the interference of this Court, on the assumption that a few of the other candidates lacked the requisite criteria, based on information he obtained while interacting with them on the day of the interview. The writ petitioner, has therefore sought to assail the selection process at the very initial stage itself, without waiting for the outcome thereof, which in the view of this Court makes the writ petition premature and one filed on an apprehension.

6. Notwithstanding, the above noted observation, it is to be kept in mind that the Screening Committee of the respondent University is an expert body, that has examined and considered the qualifications of all the applicants who have applied for the post. The selection process thereafter, only makes a recommendation which is to be considered by the appointing authority as to the suitability of the chosen candidates. This Court therefore, cannot sit in appeal over an expert body which has considered the eligibility of the candidates, and at the most, can only exercise judicial review if the selection process is visited by malafides or vitiated by procedural irregularity, which is patent on the face of the record.

7. Coming to the eligibility criteria for the post of Professor, the UGC Regulations of 2018, has provided as follows:

“III. Professor

Eligibility (A or B)

A.

- i) *An eminent scholar having a Ph.D degree in the concerned / allied / relevant discipline, and published work of high quality, actively engaged in research with evidence of published work with, a minimum of 10 research publications in the peer-reviewed or UGC-listed journals and a total research score of 120 as per the criteria given in Appendix II, Table 2.*
- ii) *A minimum of ten years of teaching experience in university / college as Assistant Professor/ Associate Professor / Professor, and/or research experience at equivalent level at the University / National Level Institutions with evidence of having successfully guided doctoral candidate.*

OR

- B.** *An outstanding professional, having a Ph.D degree in the relevant/ allied/applied disciplines, from any academic institutions (not included in A above)/ industry, who has made significant contribution to the knowledge in the concerned/allied/relevant discipline, supported by documentary evidence provided he/she has ten years' experience.”*

8. A perusal of the criteria as given above, shows that an applicant is eligible to apply for the post of Professor if one is an eminent scholar, having a Ph.D. Degree in the concerned/allied/relevant discipline. The School of Life Sciences having included other departments such as Biochemistry, Biotechnology, Bioinformatics and Botany Departments

apart from Zoology, it would follow therefore that candidates possessing Ph.D. in these departments can also be considered for the said post.

9. In view of the discussions made hereinabove, and in the facts and circumstances thereof, there being no grounds made out for any interference by this Court, the instant writ petition being found to be premature, apart from being frivolous, and filed based purely on conjectures and surmises, is accordingly dismissed, along with costs of Rs. 3500/- to be paid to the Meghalaya State Legal Services Authority for the purposes of legal aid, within 10 days from the date of this order.

Meghalaya
08.08.2023
"Samantha PS"



Judge