

GAHC010272572023



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THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WA/458/2023

DR. RAJESWARIE SANKARAN
W/O DR. PRAVEEN K.,
ASSISTANT PROFESSOR DEPTT. OF MICROBIOLOGY AIIMS GUWAHATI
CHANGSARI ASSAM PIN-781101

VERSUS

VIKRAMJEET DUTTA AND 5 ORS.
S/O BINOD BEHARI DUTTA
R/O HOUSE NO. 225 JYOTINAGAR BARIKACHUBURI, EX. POLICE LINE
TEZPUR SONITPUR ASSAM 784001

2:UNION OF INDIA
REP. BY SECRETARY TO THE MNISTRY OF HEALTH AND FAMILY
WELFARE ROOM NO. 348 A WING NIRMAL BHAVAN NEW DELHI-110011

3:THE ALL INDIA INSTITUTE OF MEDICAL SCIENCES
REP. BY ITS DIRECTOR GUWAHATI CHANGSARI ASSAM PIN-781101

4:THE DIRECTOR
ALL INDIA INSTITUTE OF MEDICAL SCIENCES GUWAHATI CHANGSARI
ASSAM PIN-781101

5:THE STANDING SELECTION COMMITTEE
ALL INDIA INSTITUTE OF MEDICAL SCIENCES REP. BY ITS CHAIRMAN
GUWAHATI CHANGSARI ASSAM PIN-781101

6:KAUSALYA RAGHURAMAN
ASSITSTANT PROFESSOR DEPTT. OF MICROBIOLOGY (AIIMS) GUWAHATI
CHANGSARI ASSAM PIN-78110

Advocate for the Petitioner : MR. D SAIKIA, MR. B GOGOI,MR M BHUYAN,MR A CHALIHA

Advocate for the Respondent : SC, C.G.C., MR P NAYAK (r-6),MR. K GOGOI (r-2),MR N K SARMA (r-1),MR H K DAS (r-1),FOR CAVEATOR,MS U SHARMA,MR. S P SHARMA (r-1)

Linked Case : WA/467/2023

UNION OF INDIA
REP. BY SECRETARY TO THE MNISTRY OF HEALTH AND FAMILY WELFARE
ROOM NO. 348 A WING NIRMAN BHAVAN NEW DELHI-110011

2: THE ALL INDIA INSTITUTE OF MEDICAL SCIENCES
REP. BY ITS DIRECTOR GUWAHATI CHANGSARI ASSAM PIN-781101

3: THE DIRECTOR
ALL INDIA INSTITUTE OF MEDICAL SCIENCES GUWAHATI CHANGSARI
ASSAM PIN-781101

4: THE STANDING SELECTION COMMITTEE
ALL INDIA INSTITUTE OF MEDICAL SCIENCES REP. BY ITS CHAIRMAN
GUWAHATI CHANGSARI ASSAM PIN-781101
VERSUS

VIKRAMJEET DUTTA
S/O BINOD BEHARI DUTTA R O HOUSE NO 225 JYOTI NAGAR
BARIKACHUBURI EX POLICE LINE TEZPUR SONITPUR 784001

2:KAUSALYA RAGHURAMAN
ASSITSTANT PROFESSOR DEPTT. OF MICROBIOLOGY (AIIMS) GUWAHATI
CHANGSARI ASSAM PIN-781101

3:DR. RAJESWARIE SANKARAN
W/O DR. PRAVEEN K
. ASSISTANT PROFESSOR DEPTT. OF MICROBIOLOGY AIIMS GUWAHATI
CHANGSARI ASSAM PIN-781101

Advocate for : MR. K GOGOI
Advocate for : MS U SHARMA appearing for VIKRAMJEET DUTTA

For the appellants : Mr. D. Saikia, Sr. Adv.

Mr. B. Gogoi, Adv.
Mr. K. Gogoi, Adv.

For the Respondents: Mr. H.K. Das, Adv.

BEFORE

**HON'BLE THE CHIEF JUSTICE
THE HON'BLE MR. JUSTICE SUMAN SHYAM**

Date of hearing : 03/09/2024.

Date of judgement : 17/09/2024.

JUDGEMENT AND ORDER (CAV)

Suman Shyam, J

1. Heard Mr. D. Saikia, learned senior counsel assisted by Mr.B. Gogoi, learned counsel appearing for the writ appellant in WA 458/2023 as well as Mr. K. Gogoi, learned counsel, appearing for the writ appellants in WA 467/2023. We have also heard Mr. H. K. Das, learned counsel appearing for the respondents in both the writ appeals.

2. Both these intra-court appeals arise out of the common judgement and order dated 06/11/2023 passed by the learned Single Judge in WP(C) No. 420/2023, allowing the writ petition filed by the respondent no. 1 as writ petitioner. Writ Appeal No. 458/2023 has been instituted by one of the successful candidates, viz. Dr. Rajeswarie Sankaran whereas, Writ Appeal No. 467/2023 has been preferred by the Union of India represented by the Secretary to the Ministry of Health & Family Welfare, New Delhi, All India Institute of Medical Sciences (AIIMS) Changsari, Kamrup, Assam along with its Director as well as the Standing Selection Committee of the AIIMS, as the appellants. Since common questions of law and facts are involved in both these writ appeals, we propose to dispose of these appeals by this common judgement and order. The facts and circumstances giving rise to the filing of these writ appeals are briefly narrated herein below.

3. The All India Institute of Medical Sciences (AIIMS), Guwahati, through the Director, Bhubaneswar (Mentor Institute), had issued an advertisement notice dated 05/10/2021 inviting applications for filling up a number of vacant posts in AIIMS Guwahati in different departments including 1(one) post of Associate Professor and 3 (three) posts of Assistant Professor in the Department of Microbiology. The sole post of Associate Professor in

Microbiology was for un-reserved category candidates. However, out of the 3 posts of Assistant Professor, 2 posts were meant for unreserved category candidates whereas, 1 post was reserved for candidate belonging to the Schedule Caste (SC) category. Since the controversy involved in this batch of writ appeals is pertaining to only the selection and appointment of Associate Professor/Assistant Professor in the department of Microbiology, hence, it would not be necessary for this Court to refer to the other category of posts advertised by the notice dated 05/10/2021.

4. It appears from the materials on record that in response to the advertisement notice dated 05/10/2021, the respondent no.1 viz. Sri Vikramjeet Dutta, who was eligible to apply for the post of Associate Professor as well as Assistant Professor in the department of Microbiology, had submitted his candidature for both the posts. After considering the eligibility of the candidates, the authorities had invited the respondent no.1 to appear before the Interview Board in connection with selection process initiated for the posts of Associate Professor as well as Assistant Professor.

5. As per the materials available on record, it appears that a 9 member common Standing Selection Committee (SSC) of experts was constituted for selection of candidates to the posts of Associate Professor/Assistant Professor in the Department of Microbiology, AIIMS, Guwahati, with Professor (Dr.) T. Bhattacharyya as its Chairman. The interview for the posts of Associate Professor/Assistant Professor in Microbiology had commenced at 9 a.m. on 23/04/2022. A perusal of the attendance sheet of candidates go to show that while there were 14 candidates who had applied for the post of Associate Professor, the number of candidates who had applied for the post of Assistant Professor in Microbiology were 18 in total. The name of the respondent no.1 finds place in the list of eligible candidates for the posts of Associate Professor as well as Assistant Professor.

6. Upon completion of the interview process, the SSC had recorded its decision in the Minutes of Meeting (MoM) recorded on 26/04/2022 declaring the names of the candidates who were selected as well as those who were wait listed. As per the materials available on record, the list of candidates recommended by the SSC, along with the wait listed candidates, for the posts of Associate Professor as well as Assistant Professor are as follows :-

“Associate Professor

<i>UR-01</i>		
<i>01</i>	<i>DEEP JYOTI KALITA</i>	<i>Selected</i>
<i>02</i>	<i>VIKRAMJEET DUTTA</i>	<i>Waitlisted 1</i>
<i>03</i>	<i>KOUSALYA RAGHURAMAN</i>	<i>Waitlisted 2</i>

Assistant Professor

<i>UR - 02</i>		
<i>01</i>	<i>KOUSALYA RAGHURAMAN</i>	<i>Selected</i>
<i>02</i>	<i>RAJESWARIE S</i>	<i>Selected</i>
<i>03</i>	<i>MANISH RANJAN</i>	<i>Waitlisted 1</i>
<i>04</i>	<i>AROOP MOHANTY</i>	<i>Waitlisted 2</i>
<i>SC-1</i>		
<i>01</i>	<i>PURNIMA RAJKHOWA</i>	<i>Selected</i>
<i>02</i>	<i>KUNTAL KUMAR SINHA</i>	<i>Waitlisted 1</i>

7. It further appears from the materials available on record that in the interview for the post of Assistant Professor, mark scored by the respondent no. 1 was 63.1 whereas, the marks scored by the two selected candidates i.e. respondent nos. 5 and 6 in the writ petition were 68.2 and 67.0 respectively. Therefore, these two candidates had scored higher marks than the respondent no. 1. There are two other general category candidates who were shown as wait-listed candidates for the posts of Assistant Professor. They had also scored higher than the respondent no. 1. As such, there are at-least four candidates who had scored higher than the respondent no. 1 in the interview process held for the two general category posts of Assistant Professor.

8. After conclusion of the interview, the result of the selection process was declared on 09/06/2022 and the 2 (two) selected candidates i.e. the respondent nos. 5 & 6 in the writ petition were issued the order of appointment for the post of Assistant Professor in AIIMS Guwahati on 10/06/2022, pursuant where to, they had also joined in their respective posts.

9. On 23/01/2023 i.e. more than six months after the order of appointment had been issued to the two selected candidates, the respondent no.1, as writ petitioner, had approached this Court by filing WP(C) 420/2023, not only questioning the validity of the

procedure adopted by the SSC while conducting the interview of the candidates but also calling into question the selection and appointment of the selected candidates for the two vacant posts (UR) of Assistant Professors in the Department of Microbiology.

10. The case of the respondent no.1 before the learned Single Judge was that the authorities had held a common interview for the posts of Associate Professor as well as Assistant Professor, Microbiology. Since the respondent no.1 has secured higher marks than the private respondents in the interview held for the post of Associate Professor, which is a higher post, hence, he could not have been placed lower than the private respondents in the results declared for the post of Associate Professor since according to the writ petitioner, it was not permissible to award two different sets of marks to one candidate in a single interview process nor was it permissible to make two assessments out of one interview held for both the posts. As such, the respondent no.1 had prayed that the appointment of the selected candidates in the post of Assistant Professor be interfered with and a direction be issued to the authorities to appoint the respondent no.1 in the post of Assistant Professor on the basis of higher marks secured by him in the interview held for the higher post of Associate Professor.

11. The prayer made in the writ petition was resisted by the present appellants *inter-alia* contending that although there was a single Selection Board for both the posts, assessments were made separately for both the posts and marks were also awarded by the individual members of the Selection Board in separate note sheets. Therefore, it is not the case where different set of marks were awarded on the basis of a single assessment. The respondents had also assailed the maintainability of the writ petition by taking the plea of delay and laches on the part of the respondent no. 1 in approaching the Court and also by contending that having participated in the selection process without raising any objection, it was not open for the respondent no.1 to now question the outcome of the selection process merely because he was not selected.

12. Taking note of the projections made by the contesting parties, the learned Single Judge has effectively held that it was not fathomable as to how, two assessments could have been made by the SCC by conducting only one interview, with one set of questions. The learned Single Judge was, therefore, of the opinion that the respondent no.1, having been awarded higher marks than the private respondents in the interview process held for the

higher post of Associate Professor, it cannot be reasonably conceived that he could be assessed to be of inferior standard as compared to those two selected candidates when it comes to the interview process for the lower category post of Assistant Professor. Having held as above, the learned Single Judge has further observed that it is not a case where the cause of action pertains to the manner of holding the recruitment process but the challenge pertains to making of two assessments in one interview.

13. In so far as the plea regarding the delay and laches in approaching the Court is concerned, the learned Single Judge has brushed aside such plea raised on behalf of the present appellants by holding that delay of 6 (six) months in approaching the Court would not preclude the respondent no.1 from maintaining the challenge although, no specific reason for arriving at such a conclusion has been recorded in the impugned judgement and order.

14. Based on such findings and observation, the selection and appointment of the private respondent nos. 5 & 6 in the writ petition to the post of Assistant Professor were set aside by the learned Single Judge and a direction was issued to the AIIMS authority to offer appointment in the post of Assistant Professor, to the writ petitioner. The learned Single Judge has, however, given liberty to the AIIMS to explore the option of appointing the writ petitioner in the post of Assistant Professor without disturbing the appointment of the private respondents. Aggrieved with the findings, observations as well as the directions issued by the learned Single Judge in the impugned judgement and order dated 06/11/2023, the authorities connected with the AIIMS, Guwahati as well as one of the selected candidate, who was the respondent no.5 in the writ petition, are before this Court by filing the two separate writ appeals.

15. Leading the arguments on behalf of the appellants, Mr. D. Saikia, learned senior counsel assisted by Mr. B. Gogoi, learned counsel for the appellant in WA 458/2023 has argued that the impugned judgement and order dated 06/11/2023 suffers from serious error in the eyes of law, inasmuch as, the learned Single Judge has failed to consider that since both the posts of Associate Professor and Assistant Professor belong to the same department of Microbiology and there was a common Selection Committee consisting of experts constituted for both the posts, it was permissible to conduct a common interview of the common candidates for both the posts through a Composite Interview Board. Mr. Saikia has also argued that the respondent no.1 has failed to establish any illegality in the interview

process nor is it his case that the selected candidates were not eligible for being appointed in the post of Assistant Professor. Under such circumstances, submits Mr. Saikia, the learned Single Judge was wholly unjustified in interfering with the selection and appointment of his client. Contending that his client has left a permanent job so as to join at AIIMS, Guwahati, pursuant to her appointment order, Mr. Saikia has submitted that the impugned judgement has jeopardized the future of his client for no fault on her part. On such grounds, Mr. Saikia has prayed for setting aside the impugned judgement and order dated 06/11/2023.

16. Mr. K. Gogoi, learned counsel for the appellants in WA 467/2023 has supported the arguments advanced by Mr. D. Saikia, learned senior counsel for the writ appellant in WA 458/2023 and has further submitted, by relying upon a decision of the Hon'ble Supreme Court rendered in the case of ***Tajvir Singh Sodhi and others Vs. State of Jammu and Kashmir and others*** reported in ***2023 SCC OnLine SC 344*** to the effect that in a selection process for appointment to a post of this nature, autonomy and discretion of the experts ought to be respected. He submits that the procedure for conducting the selection was decided by the SSC, which is a panel of experts, as per the criteria laid down in the advertisement notice and the respondent no.1 had participated in the interview process being fully aware of the methodology so adopted. Under such circumstances, the learned Single Judge has committed manifest illegality in interfering with the selection and appointment of the two selected candidates. On such count, Mr. Gogoi, learned counsel has also prayed for setting aside the judgement and order under appeal.

17. Defending the impugned judgement and order, Mr. H.K. Das, learned counsel for the respondent no.1 has, however, vehemently argued that proper reasoning in support of the order passed by the learned Single Judge have been recorded in the impugned judgement and, therefore, there is no scope for this Court to interfere with the judgement and order under appeal. He further submits that the respondents could not have made differential assessment of the same candidate in one interview and assign different marks so as to deny appointment order to his client. Mr. Das has therefore, submitted that the impugned judgement and order is justified in the facts and circumstances of the case and, therefore, the same does not call for interference by this Court.

18. We have bestowed our anxious consideration on the arguments advanced at the Bar and have also carefully examined the materials available on record.

19. From a careful examination of the materials available on record, we find that although the interview process was conducted by the SSC for both the posts of Associate Professor and Assistant Professor on the same date i.e. 23/04/2022 from 9 a.m., yet, the list of candidates for both the posts were not one and the same. Although, there were many common candidates such as the respondent no. 1, who had applied for both the posts, some of the candidates had applied for only one of the posts. There is no doubt or dispute about the fact that there was only one SSC of experts constituted for conducting the interview for both the posts of Associate Professor as well as the Assistant Professors in the department of Microbiology. Clause 16 of the advertisement notice had clearly stipulated that the methodology of selection will be decided by the Selection Committee. There is no dispute about the fact that the methodology of selection was in fact decided by the SSC constituted by a body of experts. In the above conspectus of facts, the fundamental question that would arise for consideration of this Court in these appeals is as to whether, the learned Single Judge was correct in coming to a conclusion that two assessments could not have been made by the Selection Committee based on one interview.

20. It cannot be denied that even though there was only one Interview Board conducting interview for two different category posts in the department of Microbiology, yet, there is nothing to show that the parameters on which the candidature for the two different posts were assessed by the SSC were also one and the same. It is not the case of the respondent no.1 that the parameters of assessment for both the posts were also the same.

21. We also find from the materials on record that each member of the Selection Committee had awarded marks separately to each of the candidates including the respondent no. 1, for the posts of Associate Professor as well as the Assistant Professor. Based on the aggregate of marks scored by the individual members of the Selection Committee, the merit position of the selected candidates have been finalized. The respondent no.1 has neither alleged any irregularity or illegality in the marking procedure adopted by the Selection Committee nor has he alleged *mala fide* on the part of the Selection Committee or its individual members while awarding the marks. If that be so, we fail to understand as to why, instead of calling one candidate twice before the same Interview Board during the course of the day, it was not permissible for the Interview Board to make separate assessment of the same candidate, on different parameters, for both the posts, in one go and award marks

separately. There is also nothing on record precluding this Court from holding that it was a case of common candidates for both the posts being subjected to assessment by a composite interview Board which had assessed the merit of the candidates in respect of both the posts, on different parameters and had awarded marks separately. Such a recourse, in our considered opinion, was not only permissible but also desirable in the facts of the case, particularly in order to prevent unnecessary wastage of time.

22. What procedure is to be adopted in the interview process for assessment of candidates would lie exclusively in the domain of the experts and there is no scope for the Writ Court to substitute its own view in these matters with that of the opinion of the experts. We find force in the submission of the learned counsel for the appellants that in these matters autonomy and discretion of the experts ought to be respected. Unless a case of *mala fide* or arbitrariness in the exercise of discretion by the experts is made out, the writ Court would be loath in interfering in such matter. We are, therefore, of the opinion that the learned Single Judge was not correct in arriving at a conclusion that two separate assessments could not have been made by the common Interview Board by holding a single interview.

23. We also find that the respondent no.1 had never raised any objection as regards the methodology followed by the Interview Board for selection of candidates for both the posts. As a matter of fact, the respondent no.1 had himself participated in the interview process without raising any protest. There is also no denying of the fact that the respondent no. 1 was fully aware that a composite interview of the common candidates for both the posts was being conducted by the SSC. Since the respondent no. 1 himself was an applicant for both the posts and had participated in such composite interview process meant for selection of candidates in both the posts it was open for him to register a protest in this regard soon after the interview was over. Notwithstanding the same, he did not raise any protest about the procedure so adopted by the SSC either before the interview or after the process was concluded. On the contrary, more than six months after the results were declared and the order of appointments to the posts of Assistant Professors were issued in favour of the selected candidates, the respondent no. 1 had instituted the writ petition. There is also no explanation for the delay in filing the writ petition.

24. The learned Single Judge has taken note of the arguments advanced based on the decisions relied upon by the respondents' counsel, in the case of ***Dhananjay Malik and***

others Vs. State of Uttaranchal and others reported in **(2008) 4 SCC 171**; **Pradeep Kumar Rai and others Vs. Dinesh Kumar Pandey and others** reported in **(2015) 11 SCC 493** and **Madras Institute of Development Studies and another Vs. K. Sivasubramaniyan and others** reported in **(216) 1 SCC 454** whereby, it was contended that the writ petitioner was estopped from assailing the outcome of the selection process since had participated in the process without raising any objection. However, the learned Single Judge has allowed the writ petition by ignoring such objections, without recording any reason as to why, the law laid down in those decisions were not applicable in the facts of this case.

25. In the above context, it would be pertinent to mention herein that in the case of **Dhananjay Malik and others (Supra)**, the Supreme Court has observed that having participated in the selection process without any demur, the respondents /writ petitioners therein were estopped from questioning the selection process on the ground that the same was not in accordance with the Rules. It was observed by the Apex Court that if they felt that the selection process was not in accordance with the Rules, they could have challenged the advertisement and the selection process without participating in the process, which had not been done.

26. In **Pradeep Kumar Rai and others (Supra)**, the Supreme Court had concurred with the view of the Division Bench of the High Court which had observed that since the appellants had participated in the process of interview and not challenged it till the results were declared and had challenged the outcome only when they found themselves to be unsuccessful, such candidates would not be permitted to approbate and reprobate at the same time. Either the candidates should have participated in the interview or they should have challenged immediately after the interviews were conducted. Likewise, in the case of **Madras Institute of Development Studies and another (Supra)**, it has been observed that the candidate, without raising any objection to the variation in the contents of advertisement and the Rules, had submitted his application and participated in the selection process by appearing before the expert committee. Answering the question as to whether a person who has consciously taken part in the selection process can turn around and question the method of selection in the negative and against the candidate, the Supreme Court had interfered with the order of the Division Bench, which had granted relief to the applicant.

27. In the case of ***Madanlal Vs. State of Jammu & Kashmir*** reported in **(1995) 3 SCC 486**, view opinion has been expressed by the Supreme Court whereby, it was observed that the petitioners who took a chance to get themselves selected in the oral interview, only because they did not emerge successful and the result of the interview was not palatable, they cannot now turn around and contend that the process of interview was unfair or the Selection Committee was not properly constituted.

28. After a threadbare analysis of the facts and circumstances of the case as well as the decisions relied upon the parties, we are of the view that the impugned judgement and order dated 06/11/2023 is unsustainable in the eyes of law for the following reasons :-

(i) Firstly, for the reasons recorded in the foregoing paragraphs, the learned Single Judge, in our opinion, was not correct in holding that the Selection Board could not have made two assessments in one interview. On the contrary, we are of the opinion that it was open for the experts to devise a methodology which permits separate assessment of a candidate, on different parameters, in a composite interview process which procedure was apparently adopted in this case.

(ii) Secondly, it is a clear case of unexplained delay in approaching the Court whereby, parallel rights had accrued in favour of the selected candidates who had already joined in their respective posts pursuant to their selection and appointment in the posts of Assistant Professor. Notwithstanding the same and without recording any cogent reason, the learned Single Judge has brushed aside the objection pertaining to delay and laches raised by the counsel for the respondents/writ appellants and has erroneously allowed the writ petition.

(iii) Thirdly, the learned Single Judge has held that the cause of action was not pertaining to the manner of holding the recruitment process by means of one interview but in making two assessments in a common interview. However, a perusal of the pleadings in the writ petition, more particularly, the statements made in paragraph 2, clearly goes to show that the writ petitioner has assailed the validity of the interview process thus, questioning the selection procedure itself. As such, we are of the opinion that the writ petition was not maintainable in view of the law laid down by the Apex Court in the case of **(1) Madanlal**

(Supra), (2) Dhananjoy Mallik & Ors (Supra), (3) Pradeep Kumar Rai & Ors (Supra) and (4) Madras Institute of Development Studies and another (Supra), as discussed herein before.

(iv) Fourthly, it is trite law that a Writ of Mandamus for enforcing the fundamental or legal rights of a citizen can be issued by the Writ Court only when a legally enforceable right is established. Having regard to the facts of the case, we are of the opinion that the respondent no.1 has failed to establish any right to be appointed in the post of Assistant Professor.

(v) Fifthly, in the present case, the claim of the writ petitioner is couched on the premise that since he had scored higher marks in the interview process for the post of Associate Professor, he was automatically entitled to be appointed in the post of Assistant Professor by treating his merit position above the private respondents. We do not find any legally tenable basis for asserting such a right. In our view, the learned Single Judge has erroneously recognized such a right of the respondent no.1 to be appointed as Assistant Professor based on the higher marks scored by him in the interview process carried out for filling up the post of Associate Professor, although, it was apparent that two separate assessments, awarding separate set of marks to each of the candidates for both the posts, were made by the SSC in the interview process. Therefore, the recourse adopted by the learned Single Judge, in our opinion, was wholly impermissible.

(vi) Sixthly, since the respondent no.1 has himself assailed the validity of the selection process and/or interview process terming it as flawed, no Writ of Mandamus for appointing the respondent no.1 in the post of Assistant Professor, based on such a flawed selection process, in our view, could have been issued by the learned Single Judge.

(vii) Seventhly, the learned Single Judge has not recorded any finding to the effect that the selection of the two private respondents in the writ petition stood vitiated on any count. Under such circumstances, it was not permissible for the learned Single Judge to interfere with the selection and appointment of the two selected candidates in the post of Assistant Professor, who had admittedly

scored higher marks than the respondent no.1 in the interview process.

29. For the reasons stated herein above, we are of the unhesitant opinion that the impugned judgement and order dated 06/11/2023 is not sustainable in the eyes of law. The same is accordingly set aside.

30. Both the writ appeals are allowed.

Parties to bear their own costs.

JUDGE

CHIEF JUSTICE

Sukhamay

Comparing Assistant