

**IN THE HIGH COURT OF MANIPUR
AT IMPHAL**

WP(C) No. 805 of 2021

Mutum Shyamkesho Singh, aged about 64 years, S/O (L) M. Yaima, resident of Kwakeithel Akham Leikai, P.O. Singjamei, P.S. Singjamei, District Imphal West, Manipur - 795008.

... Petitioner

-Versus-

1. The State of Manipur, represented by the Commissioner/ Secretary, Hr. and Tech. Education, Govt. of Manipur, Secretariat Building, Babupara, P.O. & P.S. Imphal, District Imphal West, Manipur - 795001.
2. Manipur Technical University, represented by its Registrar, Government of Manipur, Polytechnic Campus, Takyelpat, P.O. & P.S. Lamphel, District Imphal West, Manipur - 795004.
3. Dr. Bhabeswar Tongbram, Vice-Chancellor, Manipur Technical University, Government of Manipur, Polytechnic Campus, Takyelpat, P.O. & P.S. Lamphel, District Imphal West, Manipur-795004.
4. University Grants Commission (UGC), represented by its Secretary, Bahadur Shah Zafar Marg, New Delhi 110002.

***(...impleaded vide order dated 06-05-2022
passed in MC(WP(C)) 283 of 2021)***

... Respondents

B E F O R E
HON'BLE MR. JUSTICE AHANTHEM BIMOL SINGH

For the petitioner :: Mr. N. Jotendro, Sr. Advocate asstd. by
Syed Murtaza Ahmad, Advocate

For the respondents :: Mr. Y. Ashang, GA;
Mr. R.K. Deepak, Sr. Advocate
asstd. by Mrs. I. Bimola, Advocate;
Mr. N. Ibotombi, Sr. Advocate asstd. by
Mr. Th. Ningtamba, Advocate &
Mr. S. Jasobanta, Advocate

Date of hearing :: **28-07-2025**

Date of judgment & order :: **27-10-2025**

JUDGMENT & ORDER

[1] Heard Mr. N Jotendro, learned senior counsel assisted by Syed Murtaza Ahmad, learned counsel appearing for the petitioner; Mr. Y Ashang, learned GA appearing for the respondent No. 1, Mr. R.K. Deepak, learned senior counsel assisted by Mrs. I. Bimola, learned counsel appearing for the respondent No. 2, Mr. N. Ibotombi, learned senior counsel assisted by Mr. Th. Ningtamba, learned counsel appearing for the respondent No. 3 and Mr. S. Jasobanta, learned counsel appearing for the respondent No. 4.

[2] The present writ petition has been filed with the prayer for quashing and setting aside the order dated 08-11-2021 issued by the Chancellor, Manipur Technical University (hereinafter referred to as “**MTU**”, for short) appointing the respondent No. 3 as Vice-Chancellor along with the entire recruitment process on the ground that the

respondent No. 3 is not qualified and eligible for the said post. The petitioner has also prayed for directing the official respondents to initiate the recruitment process by issuing fresh advertisement for filling the said post as per the applicable rules.

[3] The brief facts of the present case are that an Advertisement dated 12-08-2021 was issued by the Registrar, MTU inviting applications from intending candidates having experience in technical education and/or academic administration organisation for appointment to the post of Vice-Chancellor in MTU. The eligibility criteria as notified in the said advertisement is as prescribed under Section 7.3 of the UGC Regulations, 2018 dated 18-07-2018 on minimum qualifications for appointment of Teachers and other Academic Staffs in Universities and Colleges and Measures for Maintenance of Standards in Higher Education, 2018 (hereinafter "**UGC Regulations, 2018**", for short). The qualifications/ eligibility criteria as prescribed under Section 7.3 of the UGC Regulations, 2018 are reproduced hereunder for ready reference:-

"VICE CHANCELLOR:

- i. A person possessing the highest level of competence, integrity, morals and institutional commitment is to be appointed as Vice-Chancellor. The person to be appointed as a Vice-Chancellor should be a distinguished academician, with a minimum of ten years' of experience as Professor in a University or ten years' of experience in a reputed research and/ or academic administrative organisation with proof of having demonstrated academic leadership*
- ii. The selection for the post of Vice-Chancellor should be through proper identification by a Panel of 3-5 persons by a Search-cum-*

Selection-Committee, through a public notification or nomination or a talent search process or a combination thereof. The members of such Search-cum-Selection Committee shall be persons' of eminence in the sphere of higher education and shall not be connected in any manner with the University concerned or its colleges. While preparing the panel, the Search cum-Selection Committee shall give proper weightage to the academic excellence, exposure to the higher education system in the country and abroad, and adequate experience in academic and administrative governance, to be given in writing along with the panel to be submitted to the Visitor/Chancellor. One member of the Search cum Selection Committee shall be nominated by the Chairman, University Grants Commission, for selection of Vice Chancellors of State, Private and Deemed to be Universities.

- iii. The Visitor/Chancellor shall appoint the Vice Chancellor out of the Panel of names recommended by the Search-cum-Selection Committee.*
- iv. The term of office of the Vice-Chancellor shall form part of the service period of the incumbent making him/her eligible for all service related benefits."*

[4] By an order dated 18-10-2021 issued by the Secretariat: Higher & Technical Education, Government of Manipur, a Selection Committee comprising of four members was constituted for the purpose of recommending a suitable candidate for appointment as Vice-Chancellor of MTU. The Selection Committee comprises of the following members:-

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|----|---|--|
| 1) | Shri M. Harekrishna,
Commissioner (Higher &
Technical Edn.),
Government of Manipur | State Government nominee
and Chairman |
| 2) | Shri Bobby Waikhom,
Secretary to Governor of
Manipur | Nominee of the Chancellor |

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|----|---|---|
| 3) | Shri Dr. S. Venugopal,
Director, National Institute of
Technology, Chumukedima,
Dimapur | Nominee of the Board of
Manipur Technical University |
| 4) | Shri Dr. Dinesh Kumar,
Vice-Chancellor, JC Bose
University of Sc. & Tech.,
YMCA, Faridabad | Nominee of the University
Grants Commission (UGC) |

[5] Interview of the candidates, including the present petitioner and the respondent No. 3, was held on 28-10-2021 by the Selection Committee and the Selection Committee recommended the respondent No. 3 for appointment as Vice-Chancellor of MTU. On the basis of the recommendation made by the Selection Committee, the Chancellor, MTU, issued an order dated 08-11-2021 appointing the respondent No. 3 as Vice-Chancellor of MTU for a period of 5 (five) years from the date on which he enters upon his office or until he attends the age of 70 (seventy) years, whichever is earlier. The petitioner, who was not successful in this said selection process, filed the present writ petition assailing the appointment order of the respondent No. 3 dated 08-11-2021 and also praying for directing the respondents to initiate recruitment process by issuing fresh advertisement.

[6] Mr. N. Jotendro, learned senior counsel raised the following points in challenging the validity/ legality of the order dated 08-11-2021, appointing the Respondent No. 3 as Vice-Chancellor of MTU:

- a) The MTU was established by the Government of Manipur through an enactment of Manipur Technical University Act, 2016, which came into force w.e.f. 23-04-2016. The University Grants Commission (UGC), from time to time, framed regulations under Section 26 of the UGC Act, 1956, laying down the minimum qualifications for appointment of teachers and academic staffs, including Vice-Chancellors in all universities established under a Central Act, State Act or Provisional Act and that the said regulations are binding on all such universities, including MTU. Since the MTU was established by a State Act, it is mandatory that appointments including that of Vice-Chancellors should be strictly in compliance with the UGC Regulations, 2018, which were in force at the time of issuance of the Advertisement dated 12-08-2021 for appointment of the second Vice-Chancellor in MTU;
- b) The term “**Distinguished Academician**” as used in Section 7.3 of the UGC Regulations, 2018 refers to a highly accomplished and recognized academic professional possessing proven academic leadership, institutional commitment and scholarly credentials, especially in higher education. “**Distinguished Academician**” is not just a

formally qualified individual, but one who has demonstrated substantial academic distinction. This includes leadership roles, Ph.D. supervision, notable publications and participation in academic governance;

- c) Based on judicial interpretation, academic norms and institutional practice, the following criteria are generally accepted to determine who qualifies as a distinguished academician under Section 7.3 of the UGC Regulations, 2018:-

“Academic Position:

- ***At least 10 years of experience as a Professor in a University.***
- ***OR 10 years of equivalent experience in a reputed academic/ research/ administrative organization.***

Academic Achievements:

- ***Recognized contributions to academic field: publications, research (supported by Ph. D. guidance and research publications in peer reviewed journals), etc.***
- ***Awards, honors, fellowships from national/ international academic bodies.***

Leadership in Academia:

- ***Experience in leading academic departments, faculties, or institutions.***

Reputation:

- ***Recognized within academic community for intellectual and professional excellence.***

Contribution to Education:

- ***Curriculum development, policy making, reforms in education.”***

- d) The respondent No. 3 is a Lecturer (Selection Grade) in Government Polytechnic, Takyelpat, a diploma-level

institution. His career has been confined to diploma education and he never held the position of a Professor in any University nor has he held any equivalent position as understood in Section 7.3 of UGC Regulations, 2018. A Lecturer (Selection Grade) in a polytechnic is not equivalent even to an Assistant Professor in a Degree Engineering College, let alone a Professor in a University. The respondent No. 3 is not competent even for appointment as a Principal of a Degree Technical College. Even though the respondent No. 3 claimed that he was serving as a “Guest Professor” in Manipur University from 2001 to 2005, there is no post entitled “Guest Professor”;

- e) Assignments carried out by the respondent No. 3 as Deputy Director in the Office of the Controller of Technical Education, Manipur on utilization basis does not confer upon him the equivalence of a Professorship and cannot be construed as having academic leadership;
- f) The Ph.D. obtained by the respondent No. 3 is in History from the Department of History, Manipur University on the topic “Traditional Housing & Architecture of Manipur”. Therefore, he lacks a Ph.D. Degree in Engineering or Technology, which is essential for leadership in a Technical University.

The respondent No. 3 is not even qualified to be appointed as a Professor or Principal in a Degree Technical College under the AICTE Regulations, 2019 as he has no Ph.D. in Engineering, no Ph.D. guidance experience, no post-Ph.D. research contribution, not having minimum eight research publications in SCI journals/ UGC/ AICTE approved list of journals and not having 15 years of experience in teaching/ research/ industry, out of which at least 3 years should be at a post equivalent to that of Professor; and

- g) As the respondent No. 3 does not possess any of the minimum qualifications prescribed by the UCC for appointment as a Vice-Chancellor of a University, which is the highest academic institute, his appointment as the Vice-chancellor of MTU is illegal and is liable to be quashed and set aside.

[7] Mr. N. Jotendro, learned senior counsel also submitted that the inclusion of additional criteria “**Experience in Technical Education and/ or Academic Administration Organization**” in the Advertisement dated 12-08-2021 is impermissible as such additional criteria is not supported either by the UCC Regulations or the MTU Act, 2016 and as such, additional criteria is contrary to the statutory regulations. The learned senior counsel further submitted that the constitution of the

Selection Committee under the order dated 18-10-2021 is illegal and ultra-virus the provision of Section 14(1) of the MTU Act, 2016 as the Chairman of the Selection Committee was appointed by the government while the mandate of the statutory provisions provides that the Chancellor must appoint the Chairman of the Selection Committee from amongst the members of the Selection Committee.

[8] In response to the question of maintainability of the present writ petition being filed by an unsuccessful candidate, the learned senior counsel cited the following case laws:-

1. **(1997) 9 SCC 527 “Raj Kumar & ors. Vs. Shakti Raj & ors.”**
wherein it has been held as under -

“15. In view of this legal position, the necessary requirement should be that they should necessarily not only notify but also call the names from employment exchange; in addition they should give wide publicity in the media inviting applications from qualified persons for selection. Instead, they have adopted the procedure under the 1955 Rules. They did not call the names from the employment exchange and conducted the examinations for them. After the selection of the candidates, names of selected candidates were called from the employment exchange. Obviously, the successful candidates in the written examinations were asked to approach the employment exchange of the circle concerned and, accordingly, names came to be sponsored. The procedure adopted is clearly illegal denying equal opportunity to many a candidate waiting in the register of the employment exchange concerned. Therefore, the Government hereafter should strictly follow the procedure by not only calling their names from the employment exchange, but also by publishing in the local and national newspapers and giving wide publicity in the media as well as getting the written examination and the interview conducted by the SSSB; marks should be awarded strictly according to the procedure.”

“16. Yet another circumstance is that the Government had not taken out the posts from the purview of the Board, but after the examinations were conducted under the 1955 Rules and after the results were announced, it exercised the power under the proviso to para 6 of 1970 Notification and the posts were taken out from the purview thereof. Thereafter the Selection Committee was constituted for selection of the candidates. The entire procedure is also obviously illegal. It is true, as contended by Shri Madhava Reddy, that this Court in Madan Lal v. State of J&K and other decisions referred therein had held that a candidate having taken a chance to appear in an interview and having remained unsuccessful, cannot turn round and challenge either the constitution of the Selection Board or the method of selection as being illegal; he is estopped to question the correctness of the selection. But in his case, the Government have committed glaring illegalities in the procedure to get the candidates for examination under the 1955 Rules, so also in the method of selection and exercise of the power in taking out from the purview of the Board and also conduct of the selection in accordance with the Rules. Therefore, the principle of estoppel by conduct or acquiescence has no application to the facts in this case. Thus, we consider that the procedure offered under the 1955 Rules adopted by the Government or the Committee as well as the action taken by the Government are not correct in law.”

2. (2019) 20 SCC 17 “Meeta Sahai Vs. State of Bihar & ors.”

wherein it has been held as under –

“12. On the other hand, the learned counsel for the respondents questioned the maintainability of the appellant's challenge and urged that once a candidate had participated in a recruitment process, he/she could not at a later stage challenge its correctness merely because of having failed in selection. It was contended that the appellant was taking “two shots” at success, and her challenge was opposed for being opportunistic. Further it was argued by the respondents that the appellant's attempt to draw inference from the Dentist Rules has rightly not been accepted by the High Court. Moreover, the advertisement was shown as being merely clarificatory in stating that marks shall only be granted for work experience in hospitals of the Government of Bihar.”

“17. However, we must differentiate from this principle insofar as the candidate by agreeing to participate in the selection process only accepts the prescribed procedure and not the illegality in it.

In a situation where a candidate alleges misconstruction of statutory rules and discriminating consequences arising therefrom, the same cannot be condoned merely because a candidate has partaken in it. The constitutional scheme is sacrosanct and its violation in any manner is impermissible. In fact, a candidate may not have locus to assail the incurable illegality or derogation of the provisions of the Constitution, unless he/she participates in the selection process.”

3. (2020) 20 SCC 209 “Ramjit Singh Kardam & ors. Vs. Sanjeev Kumar & ors.” wherein it has been held as under –

“41. The above proposition has been reiterated in other judgments of this Court noted above. In the present case, whether the respondent-writ petitioners are estopped from challenging the selection? While noticing the facts of the case, we have noted above that both the appellants and the respondents had submitted applications in pursuance of Advertisement dated 28-7-2006 No. 6/2006. In the advertisement, it was provided that the Commission may shortlist the candidates for interview by holding a written examination or on the basis of a rational criteria to be adopted by the Commission. The Commission on 28-12-2006 published the criteria for calling the candidates for interview. Notice dated 28-12-2006 provided that written examination shall be held for post of PTI on 21-1-2007, on 100 objective type multiple-choice questions, each question carrying two marks. The notification also prescribed the minimum qualifying marks - 50% for General category, SC, BC and ESM 45% and 25% marks was assigned to the viva voce. The above criteria was implemented and written examination was conducted on 21-1-2007, which examination was cancelled citing complaints regarding malpractices in the written examination.”

“42. Further notice dated 11-6-2008 was published fixing 20-7-2008 for written examination as per criteria earlier notified. Before the above examination could take place, by public notice dated 30-6-2008, it was cancelled. Another public notice dated 11-7-2008 was published where the Commission decided to shortlist eight times the candidates of the advertised post with minimum weightage secured in each category. The said shortlisting was also given up by notice dated 31-7-2009 when it was decided to call all eligible candidates for interview. The Commission did not publish any criteria or marks on the basis of which interview was to be held. The criteria, which was published by the Commission on 28-12-2006, 11-6-2008 and

11-7-2008 were given up step by step and no criteria was published for interview, which was scheduled to take place from 2-9-2008 to 17-10-2008. When the Commission had not published any criteria on the basis of which candidates were going to be subjected for selection process and the candidates participated in the selection without knowing the criteria of selection, they cannot be shut out from challenging the process of selection when ultimately they came to know that the Commission step by step has diluted the merit in selection. When the candidate is not aware of the criteria of selection under which he was subjected in the process and the said criteria for the first time is published along with final result dated 10-4-2010, he cannot be estopped from challenging the criteria of selection and the entire process of selection. Further when the written examination as notified earlier was scrapped and every eligible candidate was called for interview giving a go-bye to a fair and reasonable process for shortlisting the candidates for interview, that too only by the Chairman of the Commission whereas decision regarding criteria of selection has to be taken by the Commission, the candidates have every right to challenge the entire selection process so conducted. This Court in Raj Kumar v. Shakti Raj held that when glaring illegalities have been committed in the procedure to get the candidates for examination, the principle of estoppel by conduct or acquiescence has no application."

[9] On behalf of the respondents, a preliminary objection regarding the maintainability of the writ petition has been raised on the following grounds:-

- (a) The petitioner knew and have knowledge all along about the eligibility criteria of a candidate as notified under the Advertisement dated 12-08-2021 and also the composition of the constituted Selection Committee under the order dated 18-10-2021 issued by the Government and voluntarily participated in the selection process/ Interview without raising any protest. Only after he came to know that he was not

successful and the respondent No. 3 have been selected and appointed as the Vice-Chancellor of the MTU, he filed the present writ petition challenging the appointment of the respondent No. 3 by questioning prescribing of additional/ desirable qualifications in the aforesaid advertisement and also about the composition of the Selection Committee. As the petitioner have consciously taken part in the selection process and taken a chance to get himself selected in the Interview, he cannot turn around and questioned the method of selection and its outcome. The petitioner had waived his right to question the advertisement or the methodology adopted in making the selection. In support of such contentions, the following case laws have been cited on behalf of the respondents:-

- (i) **(1995) 3 SCC 486 “Madan Lal & ors. Vs. State of J & K & ors.”** wherein it has been held as under –

“9. Before dealing with this contention, we must keep in view the salient fact that the petitioners as well as the contesting successful candidates being respondents concerned herein, were all found eligible in the light of marks obtained in the written test, to be eligible to be called for oral interview. Up to this stage there is no dispute between the parties. The petitioners also appeared at the oral interview conducted by the Members concerned of the Commission who interviewed the petitioners as well as the contesting respondents concerned. Thus the petitioners took a chance to get themselves selected at the said oral interview. Only because they did not find themselves to have emerged successful as a result of their combined performance both at written test and oral interview, they have filed this

petition. It is now well settled that if a candidate takes a calculated chance and appears at the interview, then, only because the result of the interview is not palatable to him, he cannot turn round and subsequently contend that the process of interview was unfair or the Selection Committee was not properly constituted. In the case of Om Prakash Shukla v. Akhilesh Kumar Shukla, it has been clearly laid down by a Bench of three learned Judges of this Court that when the petitioner appeared at the examination without protest and when he found that he would not succeed in examination he filed a petition challenging the said examination, the High Court should not have granted any relief to such a petitioner.”

(ii) (2013) 11 SCC 309 “Ramesh Chandra Shah & ors. Vs. Anil Joshi & ors.” wherein it has been held as under –

“18. It is settled law that a person who consciously takes part in the process of selection cannot, thereafter, turn around and question the method of selection and its outcome.”

“19. One of the earliest judgments on the subject is Manak Lal v. Prem Chand Singhvi. In that case, this Court considered the question whether the decision taken by the High Court on the allegation of professional misconduct levelled against the appellant was vitiated due to bias of the Chairman of the Tribunal constituted for holding inquiry into the allegation. The appellant alleged that the Chairman had appeared for the complainant in an earlier proceeding and, thus, he was disqualified to judge his conduct. This Court held that by not having taken any objection against the participation of the Chairman of the Tribunal in the inquiry held against him, the appellant will be deemed to have waived his objection. Some of the observations made in the judgment are extracted below: (AIR pp. 431-32, paras 8-9)

“8. ... If, in the present case, it appears that the appellant knew all the facts about the alleged disability of Shri Chhangani and was also aware that he could effectively request the learned Chief Justice to nominate some other member instead of Shri Chhangani and yet did not adopt that course, it may well be that he deliberately took a chance to obtain a report in his favour from the Tribunal and when he came to know that the report had gone against him he thought better of his rights and raised this point before the High Court for the first time. ...

9. *From the record it is clear that the appellant never raised this point before the Tribunal and the manner in which this point was raised by him even before the High Court is somewhat significant. The first ground of objection filed by the appellant against the Tribunal's report was that Shri Chhangani had pecuniary and personal interest in the complainant Dr Prem Chand. The learned Judges of the High Court have found that the allegations about the pecuniary interest of Shri Chhangani in the present proceedings are wholly unfounded and this finding has not been challenged before us by Shri Daphtary. The learned Judges of the High Court have also found that the objection was raised by the appellant before them only to obtain an order for a fresh enquiry and thus gain time. ... Since we have no doubt that the appellant knew the material facts and must be deemed to have been conscious of his legal rights in that matter, his failure to take the present plea at the earlier stage of the proceedings creates an effective bar of waiver against him. It seems clear that the appellant wanted to take a chance to secure a favourable report from the Tribunal which was constituted and when he found that he was confronted with an unfavourable report, he adopted the device of raising the present technical point."*

"20. *In G. Sarana v. University of Lucknow, this Court held that the appellant who knew about the composition of the Selection Committee and took a chance to be selected cannot, thereafter, question the constitution of the Committee.*

"21. *In Om Prakash Shukla v. Akhilesh Kumar Shukla, a three-Judge Bench ruled that when the petitioner appeared in the examination without protest, he was not entitled to challenge the result of the examination. The same view was reiterated in Madan Lal v. State of J&K in the following words: (SCC p. 493, para 9)*

"9. *... The petitioners also appeared at the oral interview conducted by the Members concerned of the Commission who interviewed the petitioners as well as the contesting respondents concerned. Thus the petitioners took a chance to get themselves selected at the said oral interview. Only because they did not find themselves to have emerged successful as a result of their combined performance both at written test and oral interview, they have filed this petition. It is now well settled that if a candidate takes a calculated chance and appears at the interview, then, only because the result of the interview is not palatable to him, he cannot turn round and subsequently contend that the process of interview*

was unfair or the Selection Committee was not properly constituted. In Om Prakash Shukla v. Akhilesh Kumar Shukla, it has been clearly laid down by a Bench of three learned Judges of this Court that when the petitioner appeared at the examination without protest and when he found that he would not succeed in examination he filed a petition challenging the said examination, the High Court should not have granted any relief to such a petitioner."

"22. In Manish Kumar Shahi v. State of Bihar, this Court reiterated the principle laid down in the earlier judgments and observed: (SCC p. 584, para 16)

"16. We also agree with the High Court that after having taken part in the process of selection knowing fully well that more than 19% marks have been earmarked for viva voce test, the petitioner is not entitled to challenge the criteria or process of selection. Surely, if the petitioner's name had appeared in the merit list, he would not have even dreamed of challenging the selection. The petitioner invoked jurisdiction of the High Court under Article 226 of the Constitution of India only after he found that his name does not figure in the merit list prepared by the Commission. This conduct of the petitioner clearly disentitles him from questioning the selection and the High Court did not commit any error by refusing to entertain the writ petition."

"23. The doctrine of waiver was also invoked in Vijendra Kumar Verma v. Public Service Commission and it was held: (SCC p. 156, para 24)

"24. When the list of successful candidates in the written examination was published in such notification itself, it was also made clear that the knowledge of the candidates with regard to basic knowledge of computer operation would be tested at the time of interview for which knowledge of Microsoft Operating System and Microsoft Office operation would be essential. In the call letter also which was sent to the appellant at the time of calling him for interview, the aforesaid criteria was reiterated and spelt out. Therefore, no minimum benchmark or a new procedure was ever introduced during the midstream of the selection process. All the candidates knew the requirements of the selection process and were also fully aware that they must possess the basic knowledge of computer operation meaning thereby Microsoft Operating System and Microsoft Office operation. Knowing the said criteria, the appellant also appeared in the interview, faced the questions from the

expert of computer application and has taken a chance and opportunity therein without any protest at any stage and now cannot turn back to state that the aforesaid procedure adopted was wrong and without jurisdiction.”

“24. In view of the propositions laid down in the abovenoted judgments, it must be held that by having taken part in the process of selection with full knowledge that the recruitment was being made under the General Rules, the respondents had waived their right to question the advertisement or the methodology adopted by the Board for making selection and the learned Single Judge and the Division Bench of the High Court committed grave error by entertaining the grievance made by the respondents.”

(iii) (2015) 11 SCC 493 “Pradeep Kumar Rai & ors. Vs. Dinesh Kumar Pandey & ors.” wherein it has been held as under –

“17. Moreover, we would concur with the Division Bench on one more point that the appellants had participated in the process of interview and not challenged it till the results were declared. There was a gap of almost four months between the interview and declaration of result. However, the appellants did not challenge it at that time. Thus, it appears that only when the appellants found themselves to be unsuccessful, they challenged the interview. This cannot be allowed. The candidates cannot approbate and reprobate at the same time. Either the candidates should not have participated in the interview and challenged the procedure or they should have challenged immediately after the interviews were conducted. (See Vijendra Kumar Verma v. Public Service Commission and K.H. Siraj v. High Court of Kerala)

(iv) (2020) 2 SCC 173 “Anupal Singh & ors. Vs. State of Uttar Pradesh & ors.” wherein it has been held as under –

“55. Having participated in the interview, the private respondents cannot challenge the Office Memorandum dated 12-10-2014 and the selection. On behalf of the appellants, it was contended that after the revised Notification dated 12-10-2014, the private respondents participated in the interview without protest and only after the result was announced and finding that they were not selected, the private respondents chose to challenge the revised Notification dated 12-10-2014 and the private respondents are estopped from challenging the selection process. It is a settled law that a person having

consciously participated in the interview cannot turn around and challenge the selection process.”

“56. Observing that the result of the interview cannot be challenged by a candidate who has participated in the interview and has taken the chance to get selected at the said interview and ultimately, finds himself to be unsuccessful, in Madan Lal v. State of J&K, it was held as under: (SCC p. 493, para 9)

“9. ... The petitioners also appeared at the oral interview conducted by the Members concerned of the Commission who interviewed the petitioners as well as the contesting respondents concerned. Thus the petitioners took a chance to get themselves selected at the said oral interview. Only because they did not find themselves to have emerged successful as a result of their combined performance both at written test and oral interview, they have filed this petition. It is now well settled that if a candidate takes a calculated chance and appears at the interview, then, only because the result of the interview is not palatable to him, he cannot turn round and subsequently contend that the process of interview was unfair or the Selection Committee was not properly constituted.”

“57. In K.H. Siraj v. High Court of Kerala, it was held as under: (SCC p. 426, para 73)

“73. The appellant-petitioners having participated in the interview in this background, it is not open to the appellant-petitioners to turn round thereafter when they failed at the interview and contend that the provision of a minimum mark for the interview was not proper.”

“58. In Union of India v. S. Vinodh Kumar, it was held as under: (SCC p. 107, para 19)

“19. In Chandra Prakash Tiwari v. Shakuntala Shukla

It was further observed: (SCC p. 149, para 34)

‘34. There is thus no doubt that while question of any estoppel by conduct would not arise in the contextual facts but the law seem to be well settled that in the event a candidate appears at the interview and participates therein, only because the result of the interview is not “palatable” to him, he cannot turn round and subsequently contend that the process of interview was unfair or there was some lacuna in the process.’”

“59. Same principle was reiterated in Sadananda Halo v. Momtaz Ali Sheikh wherein, it was held as under: (SCC pp. 645-46, para 59)

“59. It is also a settled position that the unsuccessful candidates cannot turn back and assail the selection process. There are of course the exceptions carved out by this Court to this general rule. This position was reiterated by this Court in its latest judgment in Union of India v. S. Vinodh Kumar The Court also referred to the judgment in Om Prakash Shukla v. Akhilesh Kumar Shukla, where it has been held specifically that when a candidate appears in the examination without protest and subsequently is found to be not successful in the examination, the question of entertaining the petition challenging such examination would not arise.”

“60. Before the declaration of the result of the written examination on 15-9-2014, the State Government by its Government Order dated 20-8-2014 revised the requisition thereby revising the number of vacancies in different categories. The U.P. Public Service Commission issued Office Memorandum dated 12-10-2014 specifically mentioning the number of vacancies to be filled up in various categories in accordance with the requisition sent by the State Government. The said Office Memorandum dated 12-10-2014 published by the U.P. Public Service Commission reads as under:

“UPPSC

INTERVIEW PROGRAMME

Month October/November/December, 2014 (24)

OFFICE MEMORANDUM

98	Post: Subordinate Agricultural Service Class III (Provisional Asstt. Group C) Agricultural Deptt. U.P. Reservation 2515 posts — Non-reserved 1882 posts — SC 201 posts — ST 2030 posts — OBC Pay scale Rs. 5200-20,200 Grade pay Rs 2400 Advertisement No. A-5/E-1/2013 Last date : 21-11-2013	October — 27, 28, 29, 30 November — 05, 07, 10, 11, 12, 13, 14, 15, 17, 18, 19, 20, 21, 22, 25, 26, 27, 28, 29 December — 01, 02, 03, 04, 05, 06, 08, 09, 10, 11, 12, 15, 16, 17, 18, 19, 20, 22, 23, 24, 2014 Before 10.00 a.m.
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Dated 12-10-2014.”

It is thus clear that the candidates who appeared in the interview were well aware about the modification/revision in number of vacancies of Technical Assistants in different categories. The private respondents/intervening applicants have appeared in the interview with their eyes wide open regarding the

modified vacancies to be filled up in various categories of the posts. Having appeared in the interview without any demur or protest, it is not open to the candidates to challenge the selection process on the ground that there was modification in the number of vacancies in different categories and they are estopped by the principle of estoppel from challenging the same.

“61. The private respondents knew that by the revised Notification dated 12-10-2014, the number of vacancies of different categories have been changed and knowing the same, they participated in the interview and have taken a chance and opportunity thereon without any protest. Having participated in the interview and having failed in the final selection, it is not open to the private respondents to turn around and challenge the revised Notification dated 12-10-2014 and the revised requisition of the number of vacancies in different categories. Having regard to the consistent view taken by the Supreme Court, the High Court should not have granted any relief to the private respondent intervenors.”

- (b) Relying on the judgment and order dated 12-09-2016 passed by the Division Bench of this High Court in Writ Appeal No. 56 of 2016 filed by the respondent No. 3 herein, it has been averred by the petitioner in his writ petition that this court has already found the respondent No. 3 not eligible even for appointment to the post of Principal in his own institution. According to the respondents, the petitioner has concealed material facts and did not disclosed the fact that the said judgment and order dated 12-09-2016 passed in WA No. 56 of 2016 had already been set aside/ recalled by a judgment and order dated 03-03-2017 passed by a Division Bench of this court in a review petition filed by the respondent No. 3, which is reported in **2017 SCC OnLine Mani. 41**. It has been submitted on behalf of the respondents that the petitioner did not come with clean hands and tried to mislead this court by concealing or suppressing material facts and as

such, the present writ petition is liable to be rejected outright on this count alone. In support of this contention, the counsel for the respondents relied on the judgment of the Hon'ble Apex Court rendered in the case of "**Dalip Singh Vs. State of Uttar Pradesh & ors.**" reported in **(2010) 2 SCC 114** wherein it has been held as under:-

"7. In Prestige Lights Ltd. v. SBI it was held that in exercising power under Article 226 of the Constitution of India the High Court is not just a court of law, but is also a court of equity and a person who invokes the High Court's jurisdiction under Article 226 of the Constitution is duty-bound to place all the facts before the Court without any reservation. If there is suppression of material facts or twisted facts have been placed before the High Court then it will be fully justified in refusing to entertain a petition filed under Article 226 of the Constitution. This Court referred to the judgment of Scrutton, L.J. in R. v. Kensington Income Tax Commissioners, and observed: (Prestige Lights Ltd. case, SCC p. 462, para 35)

In exercising jurisdiction under Article 226 of the Constitution, the High Court will always keep in mind the conduct of the party who is invoking such jurisdiction. If the applicant does not disclose full facts or suppresses relevant materials or is otherwise guilty of misleading the court, then the Court may dismiss the action without adjudicating the matter on merits. The rule has been evolved in larger public interest to deter unscrupulous litigants from abusing the process of court by deceiving it. The very basis of the writ jurisdiction rests in disclosure of true, complete and correct facts. If the material facts are not candidly stated or are suppressed or are distorted, the very functioning of the writ courts would become impossible."

"8. In A.V. Papayya Sastry v. Govt. of A.P. the Court held that Article 136 does not confer a right of appeal on any party. It confers discretion on this Court to grant leave to appeal in appropriate cases. In other words, the Constitution has not made the Supreme Court a regular court of appeal or a court of error. This Court only intervenes where justice, equity and good conscience require such intervention."

"9. In Sunil Poddar v. Union Bank of India the Court held that while exercising discretionary and equitable jurisdiction under Article 136 of the Constitution, the facts and circumstances of the case

should be seen in their entirety to find out if there is miscarriage of justice. If the appellant has not come forward with clean hands, has not candidly disclosed all the facts that he is aware of and he intends to delay the proceedings, then the Court will non-suit him on the ground of contumacious conduct."

"10. In K.D. Sharma v. SAIL the Court held that the jurisdiction of the Supreme Court under Article 32 and of the High Court under Article 226 of the Constitution is extraordinary, equitable and discretionary and it is imperative that the petitioner approaching the writ court must come with clean hands and put forward all the facts before the Court without concealing or suppressing anything and seek an appropriate relief. If there is no candid disclosure of relevant and material facts or the petitioner is guilty of misleading the Court, his petition may be dismissed at the threshold without considering the merits of the claim. The same rule was reiterated in G. Jayashree v. Bhagwandas S. Patel."

- (c) The prayer for issuing a writ of Certiorari or Mandamus does not lie in the present case for the reason that there has neither been infringement of any of the legal rights of the petitioner nor has the petitioner been denied any of his legal rights by someone who has a legal duty to do something or to abstain from doing something. In support of such contentions, the counsel for the respondents cited the following case laws:-

- (i) **(1976) 1 SCC 671 "Jasbhai Motibhai Desai Vs. Roshan Kumar, Haji Bashir Ahmed & ors."** wherein it has been held as under –

"34. This Court has laid down in a number of decisions that in order to have the locus standi to invoke the extraordinary jurisdiction under Article 226, an applicant should ordinarily be one who has a personal or individual right in the subject-matter of the application, though in the case of some of the writs like habeas corpus or quo warranto this rule is relaxed or modified. In other words, as a general rule, infringement of some legal right or prejudice to some legal interest inhering in the petitioner is necessary to give him a locus standi in the matter, (see State of Orissa v. Madan Gopal

Rungta; Calcutta Gas Co. v. State of W.B.; Ram Umeshwari Suthoo v. Member, Board of Revenue, Orissa; Gadde Venkateswara Rao v. Government of A.P.; State of Orissa v. Rajasaheb Chandanmall; Satyanarayana Sinha Dr v. S. Lal & Co.).”

(ii) (1977) 1 SCC 486 "Mani Subrat Jain & ors. Vs. State of Haryana & ors." wherein it has been held as under –

"9. The High Court rightly dismissed the petitions. It is elementary though it is to be restated that no one can ask for a mandamus without a legal right. There must be a judicially enforceable right as well as a legally protected right before one suffering a legal grievance can ask for a mandamus. A person can be said to be aggrieved only when a person is denied a legal right by someone who has a legal duty to do something or to abstain from doing something. (See Halsbury's Laws of England, 4th Edn., Vol. I, para 122; State of Haryana v. Subash Chander Marwaha; Jasbhai Motibhai Desai v. Roshan Kumar Haji Bashir Ahmed and Ferris: Extraordinary Legal Remedies, para 198.)"

[10] The case of the respondents is that in the Advertisement dated 12-08-2021, it has been clearly notified that the essential eligibility criteria for the post of Vice-Chancellor shall be as provided under Section 7.3 of the UGC Regulations, 2018. It is also the case of the respondents that in the said advertisement, it was also notified that applications were invited from intending candidates having **"Experience in Technical Education and/ or Academic Administration Organization"**. According to the respondents, inviting applications from candidates having experience in technical education and/ or academic administration organisation does not amount to prescribing additional eligibility criteria as wrongly alleged by the petitioner. Even if, for arguments sake, it is to be treated as prescribing

additional eligibility criteria, it will amount to only a desirable eligibility criteria and not an essential eligibility criteria and that such desirable eligibility criteria is not in derogation or in contravention of the essential eligibility criteria prescribed under Section 7.3 of the UGC Regulations, 2018 and that the MTU can prescribe such desirable eligibility criteria. To buttress this argument, the respondents relied on the judgment rendered by the Hon'ble Apex Court in the case of **"Maharashtra Public Service Commission through its Secretary Vs. Sandeep Shriram Warade & ors."** reported in **(2019) 6 SCC 362** wherein it has been held as under-

"9. The essential qualifications for appointment to a post are for the employer to decide. The employer may prescribe additional or desirable qualifications, including any grant of preference. It is the employer who is best suited to decide the requirements a candidate must possess according to the needs of the employer and the nature of work. The court cannot lay down the conditions of eligibility, much less can it delve into the issue with regard to desirable qualifications being on a par with the essential eligibility by an interpretive re-writing of the advertisement. Questions of equivalence will also fall outside the domain of judicial review. If the language of the advertisement and the rules are clear, the court cannot sit in judgment over the same. If there is an ambiguity in the advertisement or it is contrary to any rules or law the matter has to go back to the appointing authority after appropriate orders, to proceed in accordance with law. In no case can the court, in the garb of judicial review, sit in the chair of the appointing authority to decide what is best for the employer and interpret the conditions of the advertisement contrary to the plain language of the same."

[11] According to the respondents, as per Section 7.3 of the UGC Regulations, 2018, a person is eligible for the post of Vice-Chancellor, if he or she possesses the following qualifications:

- (i) A person possessing the highest level of competence, integrity, morals and institutional commitment;
- (ii) The person to be appointed as a Vice-Chancellor should be a distinguished academician having –
 - (a) a minimum of ten years' of experience as Professor in a University

OR

- (b) ten years' of experience in a reputed research and/or academic administrative organization with proof of having demonstrated academic leadership.

[12] The case of the respondents is that the respondent No. 3 possesses Bachelor of Civil Engineering, Master of Civil Engineering and Ph.D. “Traditional Housing and Architecture of Manipur”. The respondent No. 3 has more than 10 years of working experience in different positions in the Department of Technical Education, Government of Manipur, which is an academic administrative organization. Therefore, the respondent No. 3 possesses all the required eligibility criteria as notified in the Advertisement dated 12-08-2021. According to the respondents, the Selection Committee, who are all experts in the field, after evaluating the qualifications and experiences and also after scrutinizing the merits and demerits of all the candidates, having found the respondent No. 3 to be qualified

and eligible and to be the most suitable candidate recommended him for appointment against the advertised post of Vice-Chancellor. MTU. On the basis of such recommendation made by the Selection Committee, the petitioner have been appointed as Vice-Chancellor in the MTU.

According to the respondents, this court have to show differences and consideration to the recommendation of an Expert Committee consisting of distinguished experts in the field and this court should not sit as an appellate court to examine such recommendation. In support of such contentions, the respondents have relied on the judgement rendered by the Hon'ble Apex Court in the case of "**Basavaiah (Dr.) Vs. Dr. H.L. Ramesh & ors.**" reported in **(2010) 8 SCC 372** wherein it has been held as under:-

"25. The Court observed as under: [M.C. Gupta (Dr.) case, SCC pp. 344-45, para 7]

"7. ... When selection is made by the Commission aided and advised by experts having technical experience and high academic qualifications in the specialist field, probing teaching/research experience in technical subjects, the courts should be slow to interfere with the opinion expressed by experts unless there are allegations of mala fides against them. It would normally be prudent and safe for the courts to leave the decision of academic matters to experts who are more familiar with the problems they face than the courts generally can be."

"26. In J.P. Kulshrestha (Dr.) v. Allahabad University the Court observed that the court should not substitute its judgment for that of academicians: (SCC p. 426, para 17)

"17. Rulings of this Court were cited before us to hammer home the point that the court should not substitute its judgment for that of academicians when the dispute relates to educational affairs.

While there is no absolute ban, it is a rule of prudence that courts should hesitate to dislodge decisions of academic bodies.”

“27. In Maharashtra State Board of Secondary and Higher Secondary Education v. Paritosh Bhupeshkumar Sheth the Court observed thus: (SCC pp. 56-57, para 29)

“29. ... As has been repeatedly pointed out by this Court, the Court should be extremely reluctant to substitute its own views as to what is wise, prudent and proper in relation to academic matters in preference to those formulated by professional men possessing technical expertise and rich experience of actual day-to-day working of educational institutions and the departments controlling them.”

“28. In Neelima Misra v. Harinder Kaur Paintal the Court relied on the judgment in University of Mysore and observed that in the matter of appointments in the academic field, the court generally does not interfere. The Court further observed that the High Court should show due regard to the opinion expressed by the experts constituting the Selection Committee and its recommendation on which the Chancellor had acted.”

“29. In Bhushan Uttam Khare v. B.J. Medical College the Court placed reliance on the Constitution Bench decision in University of Mysore and reiterated the same legal position and observed as under: (Bhushan Uttam case, SCC p. 223, para 8)

“8. ... the Court should normally be very slow to pass orders in its jurisdiction because matters falling within the jurisdiction of educational authorities should normally be left to their decision and the Court should interfere with them only when it thinks it must do so in the interest of justice.”

“30. In Dalpat Abasaheb Solunke v. Dr. B.S. Mahajan the Court in somewhat similar matter observed thus: (SCC pp. 309-10, para 12)

“12. ... It is needless to emphasise that it is not the function of the court to hear appeals over the decisions of the Selection Committees and to scrutinise the relative merits of the candidates. Whether a candidate is fit for a particular post or not has to be decided by the duly constituted Selection Committee which has the expertise on the subject. The court has no such expertise. The decision of the Selection Committee can be interfered with only on limited grounds, such as illegality or patent material irregularity in the constitution of the Committee or its procedure vitiating the selection, or proved mala fides affecting the selection, etc. It is not disputed that in the present case the University had constituted the Committee

in due compliance with the relevant statutes. The Committee consisted of experts and it selected the candidates after going through all the relevant material before it. In sitting in appeal over the selection so made and in setting it aside on the ground of the so-called comparative merits of the candidates as assessed by the court, the High Court went wrong and exceeded its jurisdiction."

"31. In Chancellor v. Dr. Bijayananda Kar the Court observed thus: (SCC pp. 174-75, para 9)

"9. This Court has repeatedly held that the decisions of the academic authorities should not ordinarily be interfered with by the courts. Whether a candidate fulfils the requisite qualifications or not is a matter which should be entirely left to be decided by the academic bodies and the Selection Committees concerned which invariably consist of experts on the subjects relevant to the selection."

"32. In J&K State Board of Education v. Feyaz Ahmed Malik the Court while stressing on the importance of the functions of the expert body observed that the expert body consisted of persons coming from different walks of life who were engaged in or interested in the field of education and had wide experience and were entrusted with the duty of maintaining higher standards of education. The decision of such an expert body should be given due weightage by courts."

"33. In Dental Council of India v. Subharti K.K.B. Charitable Trust the Court reminded the High Courts that the Court's jurisdiction to interfere with the discretion exercised by the expert body is extremely limited."

"34. In Medical Council of India v. Sarang the Court again reiterated the legal principle that the court should not normally interfere or interpret the rules and should instead leave the matter to the experts in the field."

"35. In B.C. Mylarappa v. Dr. R. Venkatasubbaiah the Court again reiterated the legal principles and observed regarding importance of the recommendations made by the expert committees."

"36. In Rajbir Singh Dalal (Dr.) v. Chaudhari Devi Lal University the Court reminded that it is not appropriate for the Supreme Court to sit in appeal over the opinion of the experts."

"37. In All India Council for Technical Education v. Surinder Kumar Dhawan again the legal position has been reiterated that it is a rule of prudence that courts should hesitate to dislodge decisions of academic bodies."

“38. We have dealt with the aforesaid judgments to reiterate and reaffirm the legal position that in the academic matters, the courts have a very limited role particularly when no mala fides have been alleged against the experts constituting the Selection Committee. It would normally be prudent, wholesome and safe for the courts to leave the decisions to the academicians and experts. As a matter of principle, the courts should never make an endeavour to sit in appeal over the decisions of the experts. The courts must realise and appreciate its constraints and limitations in academic matters.”

It has been contended on behalf of the respondents that the present writ petition has been filed on the basis of misconceived facts and law and the same is liable to be dismissed outright as being devoid of merit.

[13] I have heard at length the rival submissions advanced by the learned counsel appearing for the parties and also carefully examined all the materials available on record.

In para. 1 of the Advertisement dated 12-08-2021, it is clearly mentioned that applications are invited from intending candidates having **“Experience in Technical Education and/ or Academic Administration Organization”**. In para. 2 of the said advertisement, it is also notified that eligibility criteria of the candidates will be as prescribed under Section 7.3 of the UCC Regulations, 2018. By an order dated 18-10-2021, issued by the Secretariat: Higher & Technical Education Department, Government of Manipur, the Selection Committee comprising of four members were constituted to recommend for appointment of a regular Vice-Chancellor of MTU. It is

not the case of the petitioner that he has no knowledge about the said Advertisement dated 12-08-2021 prescribing the eligibility criteria or the order dated 18-10-2021 constituting the Selection Committee. Accordingly, this court can reasonably come to the conclusion that the petitioner has knowledge about the said advertisement as well as the order constituting the Selection Committee. After having knowledge of the said advertisement as well as the constitution of the Selection Committee under the said order dated 18-10-2021, the petitioner voluntarily and consciously take part in the selection process/ Interview without raising any objection or protest. Only after knowing that he has not been successful in the Interview held on 28-10-2021 and only after issuance of the order dated 08-11-2021 appointing the respondent No. 3 as Vice-Chancellor of MTU, the petitioner filed the present writ petition on 11-11-2021 challenging the appointment order of the respondent No. 3 by raising grounds such as impermissibility of prescribing additional eligibility criteria in the advertisement and irregularity in the constitution of the Selection Committee. In my considered view, the petitioner having voluntarily participated in the Interview and having failed in the final selection, it is not opened to him to turn around and challenge the appointment of the respondent No. 3 on the aforesaid grounds raised by him as he had waived his right to raise such objection. It is a well-settled principle

of law that an unsuccessful candidate who had taken a chance to get himself selected in the Interview waived his right to question the advertisement or methodology adopted for making the selection. In this regard, this court can gainfully rely on the well-settled principle of law laid down by the Hon'ble Apex Court in the case of "**Madan Lal & ors.**" (supra), "**Ramesh Chandra Shah & ors.**" (supra), "**Pradeep Kumar Rai**" (supra) and "**Anupal Singh & ors.**" (supra). In view of such well-settled principle of law, this court is not inclined to accept the grounds raised by the petitioner and the same are hereby rejected.

[14] As per Section 7.3 of the UCC Regulations, 2018, a person is eligible for the post of Vice-Chancellor, if he or she possesses the following qualifications:-

- (i) A person possessing the highest level of competence, integrity, morals and institutional commitment;
- (ii) The person to be appointed as a Vice-Chancellor should be a distinguished academician and who possess:-
 - (a) a minimum of 10 years' of experience as Professor in a University

OR

- (b) 10 years' of experience in a reputed research **and/ or** academic administrative organization with proof of having demonstrated academic leadership.

[15] According to the respondents, the respondent No. 3 possesses the educational qualifications of Bachelor of Civil Engineering, Master of Civil Engineering and Ph.D. "Traditional Housing and Architecture of Manipur". The respondent No. 3 possesses the essential qualifications prescribed under Section 7.3 of the UGC Regulations, 2018, i.e., 10 years of experience in a reputed research and/ or academic administrative organisation with proof of having demonstrated academic leadership. Such factum has not been disputed by the petitioner and in fact, it is not the case of the petitioner that the respondent No. 3 did not have 10 years of experience in a reputed research and/ or academic administrative organization. The sum and substance of the ground raised by the petitioner is that the respondent No. 3 did not have a minimum of 10 years of experience as Professor in a University.

[16] In the present case, a duly constituted Selection Committee, consisting of experts in the field, after carefully examining and scrutinizing the qualifications and experience of the respondent No. 3, found him to be qualified and eligible for the advertised post of Vice-Chancellor. It is also on record that after holding an Interview and after examining and scrutinizing the merits and demerits of all the candidates who participated in the said Interview, the Selection Committee found the respondent No. 3 to be the most qualified

and suitable candidate and recommended him for appointment as Vice-Chancellor of MTU. On the basis of such recommendation made by the Selection Committee, the respondent No. 3 was appointed as the Vice-Chancellor of MTU by issuing an order dated 08-11-2021, impugned herein.

[17] In view of the above, this court, in exercise of its power for judicial review, cannot act as an appellate court to examine the validity of the recommendation made by such expert committee especially when there is no material on record to support the allegations made by the petitioner and particularly, when no allegation of mala fide had been raised against the experts constituting the Selection Committee. It is a well-settled principle of law that in the academic matters, the courts have a very limited role particularly when no mala fides have been alleged against the experts constituting the Selection Committee and that It would normally be prudent, wholesome and safe for the courts to leave the decision to the academicians and experts. As a matter of principle, the courts should never make an endeavour to sit in appeal over the decision of the experts and the court must realize and appreciate its constraints and limitations in academic matters. In this regard, this court can gainfully rely on the principle of law laid down by the Hon'ble Apex Court in the case of the **Basavaiah (Dr.)** (supra).

[18] In view of the facts and circumstances of the present case and for the findings and reasons given hereinabove, this court did not find any reason or ground for interfering with the impugned appointment order. In the result, the present writ petition is hereby dismissed as being devoid of merit. Parties are to bear their own course.

JUDGE

FR / NFR

Devananda