

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

FRIDAY, THE 4TH DAY OF DECEMBER 2015/13TH AGRAHAYANA, 1937

WP(C).No. 26018 of 2015 (B)

PETITIONER(S):

1. FAZIL BAPPU AGED 28 YEARS
PUTHIYAVEETIL NAKKOLAKKAL HOUSE, PUNNAYUR P.O.
THRISSUR - 679 562.
2. SAJNESH E.V.
MEETHELE KELOTH HOUSE, P.O.MELUR, THALASSERI
KANNUR - 670 661.

BY ADVS.SRI.M.P.SREEKRISHNAN
SMT.M.H.BINDU

RESPONDENT(S)/RESPONDENTS:-:

1. UNIVERSITY OF CALICUT
REPRESENTED BY ITS REGISTRAR, PIN - 673 635.
2. THE REGISTRAR
UNIVERSITY OF CALICUT, PIN - 673 635.

R1,R2 BY ADV. SRI.SANTHOSH MATHEW,SC,CALICUTY UNIVERS

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
04-12-2015, ALONG WITH WPC. 27058/2015, WPC. 31188/2015, THE COURT ON THE
SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 26018 of 2015 (B)

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT P1. A TRUE COPY OF THE NOTIFICATION DATED 04.06.2010.

EXHIBIT P2. A TRUE COPY OF THE NOTIFICATION DATED 20.02.2005.

EXHIBIT P3. A TRUE COPY OF THE NEWS ITEM APPEARED IN THE NEWS DAILY, THE TIMES OF INDIA DATED 04.08.2015.

EXHIBIT P4. TRUE COPY OF THE NEWS ITEM APPEARED IN THE MATHRUBHUMI DAILY DATED 11.08.2015.

EXHIBIT P5. A TRUE COPY OF THE NEWS ITEM APPEARED IN THE TIMES OF INDIA NEWS DAILY DATED 11.08.2015.

EXHIBIT P6. A TRUE COPY OF THE REPRESENTATION DATED 4.4.2015

EXHIBIT P7. A TRUE COPY OF THE INFORMATION DATED 21.11.2015 OBTAINED AS PER THE RIGHT TO INFORMATION ACT

EXHIBIT P8. A TRUE COPY OF THE NOTE MADE MENTION IN EXT P7

EXHIBIT P9. A TRUE COPY of the MINTS OF THE COMMITTEE DATED 24.07.2015

RESPONDENT(S)' EXHIBITS : NIL

TRUE COPY

P.A TO JUDGE

jma

K. VINOD CHANDRAN, J

W.P (C) Nos.26018 of 2015, 27058 of 2015 &
31188 of 2015

Dated this the 04th day of December, 2015

J U D G M E N T

The above writ petitions relate to appointments which have been hanging fire for the last more than ten years for reason of the various litigations with respect to the selection proceedings and eventually W.P(C) No.26018/2015 which challenges the interview conducted and draw support from the comments of the erstwhile Vice Chancellor to assail the process of interview. The other two writ petitions are by candidates who have been interviewed who seeks expeditious finalisation of the selection proceedings.

2. The selections which are challenged are those to the posts of Peon/Watchman initiated by a notification on 20.06.2005 and to the posts of Assistants initiated by a notification of

WPC.26018/2015 & connected cases.

: 2 :

04.06.2010. The written test for the Peon/Watchman was conducted on 08.09.2013; after eight years since, the earlier written test was under challenge. Interview of about 400 candidates were conducted spanning over 12 days with the Vice Chancellor, who had raised the allegations, chairing the interview for one day and the Pro Vice Chancellor for the rest of the days. The selection to the post of Assistants also had been hampered by various challenges made before this Court. The written test was conducted on 06.10.2013 and there was a challenge with respect to the key having disclosed more than one correct answers. The University on the directions of this Court gave marks to all the candidates for such questions and revised list was published on 30.06.2015.

3. W.P(C) No.11026/2015 was the case in which such directions were issued which is still pending but no more relevant, is the submission of the learned Standing Counsel. The interview

for Assistants were held over 39 days with the Vice-Chancellor chairing the committee for 7 days and the Pro Vice-Chancellor for the rest of the days. The Vice Chancellor is said to have not chaired on all days since his term was about to expire. The Pro Vice-Chancellor was authorised to Chair the interview and only on days of his absence the Vice-Chancellor chaired the interview.

4. The present challenge, initially was based on the paper reports, which indicated the Vice-Chancellor who stepped down on 11.08.2015 having made allegations against the selection process. Subsequently the petitioner has produced Exts.P6 to P9 to indicate that the selection was beset with allegations of corruption. Ext.P6 is an order issued by the Registrar on the basis of the Syndicate decision to request the Government to order a vigilance enquiry on the alleged corruption reported in the media. Ext.P6 is a reply made to the query under the Right to Information Act. The petitioner also relies on the comments made by the erstwhile

Vice-Chancellor which is produced as Ext.P8.

5. This Court had directed the files to be produced, which are maintained in digital form and the attested copies are produced across the Bar by the learned Standing Counsel. It is to be observed that the comments made by the Vice-Chancellor are non-specific. The discrepancies that were occasioned at the interview, are also evident in Ext.P9. One Dr.T.P Ahamed who was a member of the committee is said to have given marks to 15 absentee candidates and one absentee candidate was awarded so by the Pro Vice-Chancellor. Five candidates who were present for the interview were also not granted any marks by Dr. T.P Ahamed. In the circumstances, the University had decided to award the average of the marks given by the other four committee members; to the five candidates who were left out by Dr. T.P Ahamed. The marks are said to be kept in sealed cover and so are the marks of the written test conducted by the LBS, a separate

agency, also kept in sealed cover.

6. Looking into the allegations made and files produced, this Court is unable to put its finger on any specific instance of any fraud perpetrated or even a major discrepancy, other than the fact that Dr.T.P Ahamed had not put marks for five candidates, which the committee appointed by the University had sought to rectify; by taking the average of the marks awarded by the other four committee members and awarding it as the marks put by the 5th committee member Dr.T.P Ahamed. This Court is of the opinion that the said rectification cannot be found fault with, especially since about 400 candidates were interviewed for the post of Peon/Watchman and about 1040 candidates for the post of Assistants. However, this Court cannot ignore the fact that the Syndicate had at the initial stage, presumably as a knee-jerk reaction to the media reports, requested the Government to initiate an enquiry.

7. In such circumstance, it is only proper that the Syndicate look into the files and decide on the further course of action to be taken. Especially considering the fact that the selection itself had been hanging fire for the last around ten years. It is only proper that the Syndicate expedite such consideration. The University shall expedite the meeting of the Syndicate and the matter shall be considered within a period of one month from the date of receipt of a certified copy of this judgment, after looking into the files. It is made clear that the observations made herein are only in the nature of prima facie observations and it shall not regulate or govern the decision of the Syndicate.

The writ petitions are hence disposed of with a further direction to expedite the selection process if the Syndicate decides to proceed with the selection process.

SD/-
(K. VINOD CHANDRAN, JUDGE)

jma

//true copy//

P.A to Judge