

HIGH COURT OF CHHATTISGARH, BILASPUR**WP No.3800 of 2005**

Dr.Vyas Narayan Dubey, Son of Shri Manrakhan Lal Dubey, Age 52 years,
Reader, Literature & Languages Department, Pt. Ravishankar Shukla
University, Raipur (Chhattisgarh)

---- Petitioner

Versus

1. Pt. Ravishankar Shukla University, Raipur, Chhattisgarh Through the Registrar, Pt. Ravishankar Shukla University, Raipur (Chhattisgarh)
2. Vice Chancellor, Pt. Ravishankar Shukla University, Raipur (Chhattisgarh)
3. Chancellor, Pt. Ravishankar Shukla University, Raipur, Governor House, Raipur, Chhattisgarh
4. Dr.Keshri Lal Verma, Professor, Literature & Languages Department, Pt. Ravishankar Shukla University, Raipur (Chhattisgarh)

---- Respondents

For Petitioner	:	Mr.S.S.Rajput, Advocate
For Respondents	:	None present

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board**

02/11/2017

1. This writ petition is directed against the order dated 20.9.2003 (Annexure P/4), whereby respondent No.4 has been appointed on the post of Professor (Linguistics) by respondent No.1.
2. Learned counsel for the petitioner would submit that the petitioner is more meritorious than respondent No.4 and the Selection Committee was not duly constituted, which considered the case of the petitioner and respondent No.4 for appointment on the post of Professor (Linguistics). Therefore, the impugned order is unsustainable and bad in law and liable to be set aside.
3. None appeared for the respondents though served.
4. I have heard learned counsel for the petitioner and perused the impugned order and other documents appended with the writ

petition.

5. It is well settled law 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. It is also well settled law that this Court under Article 226 of the Constitution of India cannot sit as a court of appeal and try to reassess the relative merits of the candidates concerned who had been assessed at the oral interview (See **Madal Lal and others Vs. State of J & K and others**¹).
6. In the instant case, the petitioner has participated in the selection process and appeared before the Selection Committee constituted under Section 49(2) of the Chhattisgarh Vishwavidyalaya Adhiniyam, 1973, therefore, he cannot turn round and question the constitution of the Selection Committee. Likewise, Selection Committee has clearly found respondent No.4 to be more meritorious than the petitioner as such this Court cannot sit as an Appellate Authority over the finding/recommendation of the Selection Committee.
7. I do not find any merit in the writ petition. Accordingly, the writ petition being without substance is liable to be and is hereby dismissed. No cost(s).

Sd/-

(Sanjay K. Agrawal)

Judge

B/-

1 (1995) 3 SCC 486