

\$~50

* **IN THE HIGH COURT OF DELHI AT NEW DELHI'**

Reserved: 2nd November, 2018

Pronounced on: 27th November, 2018

+ W.P.(C) 8865/2018

DR. RATAN LAL

..... Petitioner

Through : Mr. Aditya Kumar Choudhary, Adv. with
Mr. Amit Pratap Shaunak, Adv.

Versus

HINDU COLLEGE & ORS.

..... Respondents

Through : Mr. Vikas Singh, Sr. Adv. with Mr. Lalit
Bhasin, Ms. Chandni Sadana, Ms. Aashima
Singhal and Mr. Rajeev Sharma, Adv. for
R-1.

Ms. Aashima Singhal and Mr. Rajeev
Sharma, Adv. for R-1.

Mr. P.V. Kapur, Sr. Adv. with Mr. Lalit
Bhasin, Ms. Chandni Sadana, Ms. Aasma
Singhal and Mr. Rajeev Sharma, Adv. for
R-2.

Mr. Amit Bansal and Ms. Seema Dolo,
Adv. for R-3.

Mr. Neeraj, Adv. Sr. Panel Counsel, UOI
with Mr. Sahaj Garg, Adv. for R-4.

Mr. Rajeev Sharma, Adv. for R-6.

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

J U D G M E N T

1. The petitioner has preferred the instant petition for seeking the relief as under:-

*A. Issue an appropriate writ, direction or order
move over in the nature of mandamus directing the*

respondent No. 1 and 2 to reveal the API Scores of all the candidates falling within the category of eligible for interview along with their documentary proof;

B. Issue an appropriate writ, direction or order more over in the nature of mandamus directing the authorities to amend the list of eligible candidates for interview dated 18.06.2018 by adopting a fair, just, reasonable and rationale method and consequently add the name of Petitioner in list of eligible candidates;

C. Issue an appropriate writ, direction or order more over in the nature of certiorari for quashing the notice vide which the interviews have been scheduled for 25.08.2018;

D. Call for the records of selection to the post of Principal;

E. Direct other reliefs, including costs of this Petition, as this Hon'ble Court may deem fit and proper in the nature and circumstances of the case; and

F. Pass any other Order or Orders which this Hon'ble Court may deem fit and proper.

2. Brief facts of the case are that vide advertisement dated 10.10.2017, online applications were invited for the post of Principal in Hindu College, University of Delhi, New Delhi. Accordingly, on 10.11.2017, the petitioner submitted his completely filled online application form for the said post.

3. On 15.01.2018, pre- screened data for the aforesaid post was declared wherein List-I contained names of the eligible candidates on the basis of the API Scores but, without API Score against the names. List-II contained names of the ineligible candidates with their respective API Scores and reason for ineligibility. Since the name of the petitioner was not in the eligible candidates, therefore, he sought information under Right To Information Act, 2005 (herein after referred to as RTI Act, 2005) regarding the pre-screened data for the post of Principal released on 15.01.2018.

4. Moreover, the petitioner on 29.01.2018, through email, raised objections and re-submitted all the documents, which supported his candidature and eligibility for the post of Principal, to respondent No. 2, the Chairman, Governing Body, Hindu College and respondent No. 3 the Vice Chancellor, University of Delhi. In response to the RTI Application, dated 19.01.2018, the petitioner received reply from the Central Public Information Officer, University of Delhi, wherein an Original Application No. 123 of 2018 was assigned to the Application and the Petitioner was informed that the said RTI Application has been transferred to the PIO/ Principal, Hindu College.

5. On not receiving a reply to his RTI Application dated 19.01.2018, on 22.02.2018, the petitioner intimated the first appellate authority, University of Delhi of the same. Thereafter, on 27.02.2018, the petitioner received point wise reply to the information. Out of six points on which

the information was sought, the college denied possession of 5 information and directed to the college website for information No. 1.

6. Being dissatisfied with the reply of PIO, Hindu College, on 05.03.2018, the petitioner filed the first appeal before the First Appellate Authority, University of Delhi (Joint Registrar) and the First Appellate Authority, Hindu College (Officiating Principal). On 04.04.2018, the First Appellant Authority, Hindu College intimated the petitioner of its decision by way of a letter in which it was stated that the information sought has already been provided by the PIO, University of Delhi.

7. The petitioner being aggrieved by the non-disclosure of the information, on 03.05.2018, he filed a second appeal before the Central Information Commission, New Delhi. However, the First Appellate Authority, University of Delhi intimated the petitioner of its decision by way of a letter dated 04.05.2018. Final list of candidates eligible for interview was released twice by the Chairman, Governing Body, Hindu College according to the meeting of screening committee held on 14.06.2018. One name was added in list and shortly after, another name was added in the list i.e. two names were added in the previous list dated 15.01.2018 based on the objections raised.

8. On 02.07.2018, the petitioner made detailed representations to the Vice Chancellor, University of Delhi complaining against the lack of transparency and unjust and unfair treatment meted out to the applicants for the post of Principal by the Governing Body, Hindu College. The petitioner has specifically mentioned that the arbitrary and atrocious acts

of the Governing Body, Hindu College is being done because, firstly; the petitioner belongs to Scheduled Caste and secondly, the candidate for the said post is pre-decided. The interview scheduled for the post of Principal was released by Chairman, Governing Body, Hindu College fixed on 25.08.2018. The grievance of the petitioner was that if the interview is conducted and appointment to the said post is made, it will cause great prejudice to the petitioner. Hence, this petition.

9. Learned counsel appearing on behalf of the petitioner submitted that the petitioner has been serving respondent No. 1 since several years, presently in capacity of Associate Professor, History. The petitioner has a sound academic background with many years of experience and multiple meritorious achievements/ publications. The petitioner had applied for the position of Principal in Hindu College where he is working since several years. The respondent No. 6, Anju Srivastava, is the present Officiating Principal of Respondent No. 1 College. She is also an eligible candidate according to list released by Respondent No. 2.

10. Learned counsel further submits that the petitioner is meeting the entire necessary criterion and submitted fully filled online application form for the said post within the prescribed window. It is pertinent to mention here that, partially filled application forms do not get submitted on the web portal of online applications. For instance, every category in which API score is sought, documents to support the same have to be uploaded, without which there will be a “field empty error” preventing the submission of the form. The fact that the petitioner successfully filled the form, which includes claiming API scores and uploading its

respective documentary proof, shows that there was no discrepancy in the form filled by the Petitioner as claimed by respondent No. 2 in the non-eligibility list. The Screening Committee, after an analysis of the pre-screening data, issued the result thereof, which consisted of the List I of candidates eligible for interview (without reflecting their API scores) and List II of candidates ineligible for interview (with API scores and reasons for ineligibility reflected against each name). The said pre-screened data is appended herewith and marked as Annexure P-3. For highlighting the issue of non-transparency and arbitrariness in preparing the pre-screened data which was released, an illustration of how similar declarations are usually made by colleges, declaration by Kirori Mal College in a similar matter, is appended herewith and marked as Annexure P-4.

11. Learned counsel appearing on behalf of the petitioner submits that there was undue delay in providing information which was sought by the petitioner from the PIO due to lack of communication between the concerned authorities. The appropriate authority of the University states that the information sought by the petitioner is available with the college and the college denies possession of any such information. Thus, the petitioner was forced to run from pillar to post to get a clear picture of the reason behind being granted such a low API score. The entire set of events only goes on to suggest a well-planned agenda to give undue and arbitrary benefits to the pre-decided candidate for the post of principal, thereby causing great agony to the petitioner. Being dissatisfied by the replies/ inaction of the authorities, he was forced to file first appeals

against CPIO, University of Delhi and the PIO, Hindu College before Joint Registrar, University of Delhi and Officiating Principal, Hindu College, respectively. A copy of the appeals is attached herewith and marked as Annexure P-9.

12. Learned counsel further submits that the First Appellate Authority is the present Officiating Principal, Hindu College i.e. respondent No. 6 and her name is also present in the List I of the eligible candidates for interview for the post of Principal. The Principle of natural justice were not kept in mind while deciding the Appeal filed by the Petitioner because as a matter of propriety, the Officiating Principal who is a candidate for the said post should not have dealt with this matter as it causes a conflict of interest. It also re-affirms the belief of the petitioner that the authorities are working hand in glove to cause great prejudice to the petitioner and undue advantage to the pre-decided candidate for the post. Learned counsel submitted that respondent No. 6 has been misusing and manipulating the entire selection process. The said respondent did not furnish the information in capacity of the First Appellate Authority, because she knows very well that if the true and correct information is furnished, it will clear that firstly; the action to declare the petitioner as ineligible is baseless and wrong & secondly; she has been wrongly declared eligible. The act of Respondent No. 6 in collusion with respondent No. 2 is highly condemnable and amounts to misuse and abuse of the official position and authority.

13. Learned counsel for the petitioner submits with utmost sense of

responsibility and to the best of his knowledge, the respondent No. 6 does not have any research publication or any book etc. to her sole credit. She has written some school books in association with 2-3 co-authors, whereas the petitioner has a large number of research publications, articles, books, etc. to his sole credit. Petitioner has come to know that the Respondent No. 2 has already taken decision to appoint respondent No. 6 as the Principal and this entire exercise is an eyewash.

14. Learned counsel for the petitioner further submits that despite a representation of such a serious nature made by the Petitioner, the Respondent No. 3 did not take any action. The petitioner who belongs to the Scheduled Caste believes that such atrocities which are being meted out have a connection with his belonging to the Scheduled Caste and this is the primary reason for rendering him ineligible despite excellent academic records. The petitioner with all his hard-work and sustained struggle after fighting all odds in his life, right from birth, has been able to earn his education. In the present time, when the Government is determined to place eligible persons of the deprived communities at high positions, respondent No. 1, a premier institute of this Country is harassing, humiliating and insulting the petitioner for no fault of his.

15. The respondent No. 2, Governing Body of Hindu College through its Chairman has filed an affidavit to the petition whereby stated that he being well conversant with the facts of the present case and duly competent to file this affidavit. He submitted that the University of Delhi decided to start the process for filling up the post of Principal in various colleges through online mode by inviting applications from the candidates

from all over India through centralized online Registration Portal. This was communicated to the college vide letter dated 22.03.2017 laying down the procedure and guidelines for filing up the post of the Principal. The applications received for the post of Principal were to be screened on the basis of Academic Performance Indicator (API) Score Card as prescribed by the University. As per the guidelines for calculating API Score for research and academic contributions for the post of Principal, consolidated API score required is 400 points from categories II and III of API (cumulative). Candidates securing requisite API score were to be called for interview.

16. It is further stated that the petitioner applied for the post of Principal Hindu College claiming 496 API points as per his own self-assessment under category II, III (A), III (B), III E (I) III E (ii). The cut off marks are 400, to be eligible for a candidate to be called for interview are 400. The Screening Committee constituted as per the procedure prescribed analyzed the data of the applicants forwarded by the University of Delhi and notified two lists, one of 10 candidates eligible for interview and second list of 15 candidates, including the petitioner not eligible to be called for interview. The applicants having any objections / representation with respect to the admissible API points were advised to email the same by 31.01.2018. The petitioner had secured only 95 API points. This is clearly shown in the aforesaid list along with the remark that documents in some categories were not attached by the petitioner. Accordingly, the petitioner was found not eligible as he had secured only 95 points and not because his application was considered as incomplete for non-furnishing /

attaching of any documents. The contention of the petitioner that the remarks in the List against the names of non-eligible candidates were to let them know that they have not attached the documents in certain categories, even though they have claimed that API points is not correct. The remarks are only for information of the candidates. Some of the non-eligible candidates including the petitioner submitted their representations. The representations were duly considered by the screening committee again in its meeting held on 14.06.2018. The Petitioner's API points were revised and awarded 128 score but still could not secure the required points to be eligible for being called for interview. The second list of eligible candidates for interview was displayed on 18.06.2018. The petitioner has not been found eligible because he did not get the required API points i.e. 400 or above and not on the ground of not submitting any relevant documents.

17. Further stated, the petitioner is an Associate Professor in the Department of History and secured less API points as the Research papers submitted by him are in journals without any Impact Factor and most of his published work and invited lectures are not related to his area and subject i.e. History. Further, he himself did not claim any points against various other heads like Research project, Consultancy project, Research guidance, Fellowship etc. Moreover, the petitioner has been debarred for five years till 2020 from holding any Administrative posts in the college since March 2015 due to punishment imposed on him by the College as a result of disciplinary proceedings conducted against him for misconducts committed by him. The petitioner along with six other teachers who were

imposed similar punishment has challenged the disciplinary proceedings culminating in the punishment order dated 20.03.2015 by way of a Writ Petition being W.P. (C) No. 6548/2015. In the said petition notice was issued by this Court on 13.07.2017, however, no interim order staying the punishment order dated 23.07.2015 was passed. The petitioner was informed vide email dated 23.08.2018 that this revised API score do not make him eligible for interview. A copy of the email dated 23.08.2018 is annexed hereto and marked as Annexure-c.

18. Heard the learned counsel for the parties in length.

19. Aggrieved by being rendered ineligible for interview and the non-transparent and arbitrary manner in which the pre-screened data was released, the petitioner filed an RTI Application before the PIO of respondent No. 3. The information sought was as under:

i. What is the total no. Of applications received for the abovementioned post?

ii. How many applicants are eligible for the post as per UGC norms?

iii. Please provide names, current designations and API score of eligible and non-eligible applicants

iv. Please provide the claimed and granted API scores of all the applicants filled in the application form in each categories and sub categories (I, II, III)

v. Provide all the certified documents (details

of research papers, books, publications, research projects, consultancy projects etc.) of each applicant for claimed and granted API score.

vi. Please provide details of pre-screening committee members, who had screened the applications for the post of Principal, Hindu College.

20. The petitioner further filed objections, based on the reason cited in Para (iv), through email before the designated authorities along with re-submission of documents to support his claims under API score. A copy of the emails is appended herewith and marked as Annexure P-6. However, the authorities did not pay any heed to the email and its attachments.

21. The aforementioned RTI Application bearing Original Application (hereinafter referred to as OA) No. 123 of 2018 was duly received by the CPIO, University of Delhi. The OA was also endorsed to the Joint Registrar (Colleges) who is deemed PIO under Section 5(4) and 5(5) of the RTI Act, 2005. The Joint Registrar's reply to the same was that, "*pre-screening compiled data of various colleges including Hindu College has been transmitted to the Chairman, Governing Body of the Hindu College for convening the meeting of the respective screening committee and selection committee under Ordinance XVIII of the University.*" The OA was also transferred to the PIO/ Officiating Principal, Hindu College

stating that the information sought in the application pertains to the said college and therefore it is being transferred. A copy of the letter of the CPIO, University of Delhi intimating the same to the petitioner is attached herewith and marked as Annexure P-7.

22. The PIO, Hindu College vide its letter stated that information with respect to pointers i, ii, iv, v & vi, is “*not in possession of college*” and with respect to point iii, link of Hindu College website was given. A copy of the reply of the PIO, Hindu College is appended herewith and marked as Annexure P-8.

23. Consequently, the First Appellate Authority against the order of PIO, Hindu College, passed an unreasoned decision which stated. “ *The decision of the PIO vis-a-vis the RTI Applications has been persued and it has been noted that the PIO, Hindu College had already sent the reply of the above RTI.*” A copy of the said decision is appended herewith and marked as Annexure P-10.

24. It is pertinent to mention here that on 25.10.2018, this matter was adjourned at the request of the counsel for the respondents by moving adjournment slip and Learned counsel appearing on behalf of the petitioner given no objection due to the reasons mentioned therein. However, when the matter was being adjourned, the counsel for petitioner prayed this Court that if they are asking adjournment, he would not oppose but they should not finalize the post of the Principal of the college in issue. On the said date, the counsel for the respondent were unable to make such statement, therefore, vide order dated 25.10.2018, the

respondents were directed not to finalize the name/selection for the post of the Principal of the college in issue and the matter was directed to be listed on 01.11.2018.

25. Since, on 01.11.2018, counsel appearing on behalf of the petitioner and the respondents were ready to argue the matter finally, therefore, this Court started hearing this petition on 01.11.2018. However, since the record of the selection process in question was not before this Court therefore vide order dated 01.11.2018, the respondents No 1 and 3 were directed to produce the record of selection process in question before this Court.

26. It is further pertinent to mention here that during the arguments on 01.11.2018, Mr. Vikas Singh, learned senior advocate who appeared on behalf of the respondent No. 1 and Mr. P. V. Kapur, senior advocate who appeared on behalf of respondent No. 2 vehemently, by drawing the attention of this Court to page 41 of the present petition to the application of the petitioner 5.1 (III A) Published Research Articles/ Papers in Referred Journals / Other Reputed Journals notified by UGC, submitted that the petitioner himself mentioned from serial No. 2 to 9 that there is no impact factor, however, he self assessed the API securing 25 against each and every publication. Learned Senior Counsel submitted that if there is no impact factor, he would not be entitled any API score.

27. Whereas, counsel appearing on behalf of the petitioner specifically argued that the API score is not self assessment score, it is generated by the computer automatically. For example, the moment any Research Articles/ papers in the application is filed online, the score will come

automatically. But the learned senior counsel named above for respondents No. 1 and 2 argued that there is no such system however, it was assessed by the petitioner himself and the screening Committee given him zero API score, for the reason that there was no impact factor of the Research Articles / Papers mentioned in 5.1 (III A) which is at page 43-44 of the petition. Further argued, since he could not get the appropriate score i.e. 400, therefore his name was published in the category of non-eligible candidates. Moreover, in 5.2 (III B) of the application, the papers published by the petitioners are not related to his subject i.e. History. For the said purpose also the petitioner could not get any API score and initially he was given API score 95, thereafter, on a revision it was increased to 128.

28. Since the counsel for the petitioner, on instructions of the petitioner who was also present in Court strongly argued that the API score against each publications is generated through the computer, however, not assessed by the petitioner and the counsel for the respondent Nos. 1 and 2 vehemently argued that the said score is self assessment, therefore, he was awarded as zero marks. In the said controversy, this Court vide order dated 01.11.2018 directed R-3 the university and R-1 college to produce the record of the selection process before the next date of hearing.

29. I have no hesitation to record here that the record of the selection process had not produced either by respondent No. 1 or respondent No. 3 as per the directions. However, Mr. P. V. Kapur, learned senior counsel appearing on behalf of the respondent No. 2 submits that the record is neither with the university nor with the College, however it is lying with

the Chairman of Governing Body of the Hindu College and some of documents which will be discussed *inter alia* got from him and accordingly, the copy of the same were handed over during the arguments.

30. As discussed above, during the arguments on 01.11.2018, Mr. Vikas Singh, senior counsel, who appeared for respondent No. 1 and Mr. P. V. Kapur, senior counsel, appeared for respondent No. 2, strongly argued that the API score is self assessment score by the petitioner, despite the fact that Respondent No. 6 who is Officiating Principal and one of the candidate for the post of Principal in question was present in Court. However, on 02.11.2018, it is argued that once the paper, book and article is uploaded in the application form, the API score will be automatically appeared. The submissions of the learned counsel for the respondent are that the papers published as claimed by the petitioner are not related to the subject .i.e. History and not an impact factor. therefore, the petitioner was awarded as zero marks.

31. It is also pertinent to mention that in the re-screening, the petitioner scored 128 total API points by giving zero marks in the category of Research project, consultancy project, Project outcome, Research guidance, Fellowship and E learning modules, whereas, the marks were given by the computer on uploading the application online. In case of respondent No. 6, different marks are given for different papers by the screening committee. From the documents produced by the respondent it is not clear that what is the criteria to award API marks and which rules and regulations are followed. There is no justification in not awarding the API points to the petitioner in the category of Research project,

consultancy project, Project outcome, Research guidance, Fellowship and E learning modules.

32. On the other hand, in the category of III (B): Research Papers, Book Publications etc., respondent No. 6 claimed 61.50 API Score and awarded 50 API score. The book publications of the respondent No. 6 are Practical Book of ISC Practical Chemistry, class XI, XII and understanding ISC Chemistry of class XI and XII written by R. R. Mishra, Anju Srivastava, Neeti Misra and Reena Jain. For the said publication, the respondent No. 6 is not the sole author still 50 API points were awarded. The said publication has nothing to do with the college students however, the said books are for XI and XII class students.

33. Whereas, counsel appearing on behalf of the respondent NO. 5 UGC has referred page 38 of the writ petition and submitted that wherever relevant to any specific discipline, the API score for paper in referred journal would be augmented as follows: (I) paper with impact factor less than 1- by 5 points; (ii) papers with impact factor between 1 and 2 by 10 points; (iii) papers with impact factor between 2 and 5 by points; (iv) papers with impact factor between 5 and 10 by 20 points; (v) papers with impact factor above 10 by 25 points. Thus, if impact of any paper is less than 1 means Zero still the API score has to be awarded in favor of the candidate. He has also submitted that if a paper published in UGC General then, the candidates shall get the API marks depending upon the paper.

34. Counsels appearing on behalf of the respondents have relied upon the case of *University of Mysore V. CD Govinda and Anr.* AIR (1965) SC 491

whereby the Hon'ble Supreme Court has held that the Court should not interfere in the appointments of the colleges and universities.

35. In case of ***Dalpat Abasaheb Solunke and Ors. V. Dr. BS Mahajan*** (1990) 81 SCC 305, observed that it is not the function of the court to hear appeals over the decisions of the Selection Committees and to scrutinize 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.

36. In case of ***Basavaiah V. Dr. HL Ramesh And Ors.*** (2010) 8 SCC 372 whereby the Hon'ble Supreme Court has held that 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.

37. I am conscious about the view taken by the Hon'ble Supreme Court in the cases relied upon by the respondents. But the fact remains that in the present case, there are allegations of mala fide against the respondents including respondent No. 6 who is Officiating Principal and one of the candidate for the post of the Principal for the college in question. In the present case, when the petitioner was shown in the category of non-eligibility he sought information from the university respondent No. 3 who stated in the reply that the all records are with respondent No. 1 college. Thereafter, the petitioner approached to the respondent No. 1 college, the said college informed the petitioner that the whole record is not with college

however, with respondent No. 3 University. Moreover, under the RTI Act, the petitioner failed to get the information sought for. Finding no resolution from the authority concerned, the petitioner was compelled to file the present petition before this Court.

38. As mentioned above, pursuant to order dated November, 01, 2018 complete record of selection process was not produced, however, produced some papers which do not reveal that which candidate has and how many published research articles/ papers in his or her credit and how much API Score was given to them. I note, after screening, some candidates got 761.5, 868, 1185, 495, 798, 535 etc. but not selected. API Score and details of the articles/ papers were not produced to see that what type of articles/ papers they claimed and what API Score given to them. Thus, not providing the information sought by the petitioner and not producing complete record before this Court the respondents not only kept the petitioner in dark but to this Court as well.

39. Under the RTI Act, transparency is rule and secrecy is exception and yet there has been active concealment of information which ought to be on public domain which only goes on to indicate foul play in the shortlisting of the candidate. The unreasoned delay on part of PIO also indicates avoidance of disclosure to achieve ulterior motive of not conducting the appointment in a just and transparent manner. Because most basic information was denied on the pretext of “information not in possession of college”, which is untrue on the face of it, as the information sought was the same which needed to be filed by the applicants in their online application form for the post of Principal. Accordingly, the petitioner has established that the procedure

which was followed for shortlisting is not a clear transparent case of favouritism towards the present Officiating Principal, Hindu College and that the whole process is just an eye wash when in reality, respondent NO. 6 seems to be pre-decided candidate who secured 405 API Score. As a result of this undue advantage which is being given to the said candidate, the Petitioner's fundamental right under Article 14 of the Constitution of India is being jeopardized.

40. In addition to above which is not disputed by the counsel for the respondents that the appointment of the Principal shall be made as per the following procedure:-

- i. The appointment of Principal shall be made after an all India advertisement, with prior approval of the University.
 - ii. All the applications received shall be scrutinized by a Committee consisting of the following and a list of all the candidates fulfilling the minimum eligibility qualifications shall be prepared and points be awarded to all such candidates shall be calculated on the basis of the criteria notified by the University.
1. Chairperson, Governing Body – Chairperson.
 2. Two members of the Governing Body (of which at least one should be from the University Representative(s) nominated by the Chairperson Governing Body. (The Teacher Representatives from the College cannot be the part of Screening Committee).
 3. An Academician representing SC/ST/OBC/Minority/ Women/Persons with Disability to be nominated by the Chairman, Governing Body, if any of the candidates

representing these categories is an applicant and if any of above members of the Screening Committee does not belong to that category.

41. Counsel for the respondents submitted that there was a women member in the Appointment Committee for the post in question, the third condition of procedure for appointment of the Principal is complete. But, they have admitted that there was no representative of the Scheduled Caste category in the Committee from which the petitioner belongs.

42. But, para 3 mentioned above says that if any of the candidates representing SC/ST/OBC/Minority/ Women/Persons with Disability is an applicant, representing of those category would be one of the member in the appointment Committee. The petitioner belongs to the Scheduled Caste categories, however there was no member from the said category in the appointment Committee. Admittedly, there was no representative from the category of the Scheduled Caste, which is against the guidelines. Thus, there was no transparency in the whole process and deserves to be quashed.

44. In view of above discussion, I am of the considered view that process of the respondent for the post in question was not fair and transparent, therefore, I hereby quash the same with emanating proceedings thereto.

45. Consequently, the respondents are directed as under:-

- (a) To access the candidates a fresh and select the best candidate available as per rules, procedures and guidelines etc. applicable.
- (b) The assessment shall be made afresh by the Screening Committee, however, any of previous member shall not be part of the Screening Committee.

- (c) Since the petitioner belongs to Scheduled Caste category, in the Selection Committee the representative of said category shall be ensured.

46. In view of above discussion, the writ petition is allowed with no order as to cost.

47. Needless to state that the respondent No. 6 may continue as officiating principal if the respondents want, but she will not interfere in any manner in the selection process for the post in question.

NOVEMBER 27, 2018
rd

(SURESH KUMAR KAIT)
JUDGE

न्यायमेव जयते