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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

25 WRIT PETITION NO.7632 OF 2020

Dr. Venkatrao S/o Bapurao Tak,
Age: 77 years, Occu: Pensioner,
R/o: 41, Vaibhav Nagar,
Karegaon Naka Road, Parbhani,
Tq. and dist. Parbhani

...PETITIONER

VERSUS

1. Vasantao Naik Marathwada
Agricultural University, Parbhani,
Through its Registrar
2. The Maharashtra Council of
Agricultural Education & Research,
132/B, Bhamburda, Bhosle Nagar,
Pune – 411 007, Through its
Director General

...RESPONDENTS

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Mr K. P. Rodge, Advocate h/f Mr P. G. Rodge, Advocate for
petitioner;
Mr M. N. Navandar, Advocate for respondent No.1;
Mr S. K. Kadam, Advocate for respondent No.2

**CORAM : RAVINDRA V. GHUGE
AND
S. G. MEHARE, JJ.**

DATE : 2nd August, 2021

(2)

ORAL JUDGMENT : (Per : Ravindra V. Ghuge, J.)

1. Rule. Rule made returnable forthwith and heard finally by the consent of the parties.

2. The petitioner is a Doctorate of the Philosophy (Ph.D.) in a subject falling under the Agriculture Department. He was an Associate Professor till his superannuation in 2001. In an earlier round of litigation, in Writ Petition No.12784/2018, this Court concluded that since he was working for 10 years as an officiating Associate Professor, notwithstanding that he was temporarily appointed vide order dated 14/11/1991, that he was deemed to be an Associate Professor. He has subsequently retired as an officiating Associate Professor. This Court concluded that he would be entitled to be considered for CAS benefits.

3. The issue raised in this petition is, that the petitioner satisfies the requirements as prescribed by the UGC so as to make him eligible for the Career Advancement Benefit Scheme. It is further contended that the UGC revised it's requirements under the CAS vide

(3)

communication dated 21/02/2002 and the same would be applicable to the petitioner.

4. The above contention of the petitioner cannot be entertained for the reason that if he had suffered any legal injury of not having been considered for the CAS benefits in the light of the norms applicable prior to the revised norms dated 21/02/2002, he should have approached this Court. We would not be entertaining this petition after 24 years of the claim that he was eligible for CAS benefits as per the old norms.

5. The second limb of the submissions of the petitioner is, that even if the revised CAS norms introduced on 21/02/2002 are to be considered, the petitioner has numerous research publications and out of which two could be books to be submitted for evaluation/assessment before the interviews.

6. The relevant clauses applicable to the present case, emerging from the CAS norms are as under :

(4)

a) That, minimum of five research publications out of which two could be the books be submitted for evaluation/assessment before the interview;

b) That, the University be permitted to hold the interviews for promotion under the CAS, only for those candidates who have cleared by obtaining minimum of three positive recommendations from the experts on their research publications/books.

7. There is no dispute that the assessment of research work was to be done by a Panel of eminent experts. Interviews of eligible candidates were also to be held by three experts. A Committee was formed to evaluate the merits of the publications and that even a retired person like the petitioner, was eligible to be considered for CAS benefits.

8. We find from the petition memo that the petitioner has not placed before us the research work that he has done and the publications that he had placed before the concerned Committee. Nevertheless, we allowed the petitioner to place before us a

(5)

compilation of his best five Articles. A compilation of such best five Articles (28 pages) has been taken on record and marked as 'X-1' collectively, for identification. The learned Advocate for the petitioner submits that these Articles placed on record, could be books.

10. Shri. Kadam, learned Advocate representing respondent No.2 – Maharashtra Council of Agricultural Education and Research, through it's Director General, submits that the scope of judicial review of this Court while exercising it's extraordinary jurisdiction under Article 226 of the Constitution, is wide, but not as wide as to sit over the wisdom of the eminent Panel members, who are researchers and who have assessed whether the work presented by the petitioner can be said to be of an international standard. He relies upon the judgment of the Honourable Apex Court in the matter of **B. C. Mylarappa Alias Dr. Chikkamylarappa Vs. Dr. R. Venkatasubbaiah and others, (2008) 14 SCC 306**, to support his contention that this Court should not step into the shoes of the eminent Panel members and re-assess the work done by the petitioner, as if this Court could verify as to whether the research done by the petitioner can be said to be of an international standard.

11. We have no doubt that we cannot pose of having the expertise and the knowledge of researchers or eminent scientists in the field of agriculture, so as to step into the shoes of the selection Panel and re-assess the research work presented by the petitioner. We shall not venture into calling for the minutes of the selection process to find out as to whether the research work done by the petitioner has been appropriately assessed by the eminent members or not. Nevertheless, a glance at the best five Articles at 'X-1' presented by the petitioner before us, indicates that one Article runs into six pages on the topic of the 'Study of Marketable Surplus of Pulses in Parbhani District', one Article runs into seven pages pertaining to 'Districtwise Development of Sugarcane in Maharashtra' and one Article runs into four pages pertaining to area and productivity of crops in Marathwada Division. Two more Articles run into three pages pertaining to 'Evaluation of some of the Principles of Co-operation' and 'Irrigation Development in Marathwada Division'. These Articles are published in some bulletins of the erstwhile Marathwada Agricultural University (presently Vasantrao Naik Marathwada Agricultural University, Parbhani). We do not find that any of these Articles have been

(7)

published in a Journal of National repute or in any international Journal. Nevertheless, we are not going into the quality of these Articles since we do not have expertise to assess the quality of research work done by the petitioner.

12. In B. C. Mylarappa Alias Dr. Chikkamylarappa Vs. Dr. R. Venkatasubbaiah and others (supra), the Honourable Apex Court has held in paragraph No.20, as under :

“20. Let us now deal with the question raised by the learned counsel for the parties. As quoted herein earlier that requirement for selection in the post of Professor in the Sociology Department of the University, 10 years’ experience in postgraduate teaching and/or experience in research in the University was necessary. It is not in dispute that the appellant had 9 years of service as Lecturer and had done research work for 5 years. Therefore, there cannot be any dispute that he had satisfied that he had got the experience of 10 years in postgraduate teaching experience in research in the University. It is also not in dispute that the Board of Appointment of the University consisted of the persons, who were experts academicians as Head, found the appellant eligible for such appointment, after scrutinizing the experience required for appointment to the post of Professor in the said Department. He was interviewed along with others by the Board of Appointment of the expert body and found to be eligible for appointment. The Syndicate of the University, which also consisted of

academic experts had passed a resolution approving the appointment of the appellant as Professor. This appointment of the appellant was challenged on two grounds.”

13. In the same judgment, the Honourable Apex Court has observed in paragraph No.24 that the Board formulated for appointment of teachers in the University consists of experts in the said line and the candidature of the appellant and his experience as a Lecturer can be assessed only by such Committee of experts. After a candidate (the appellant B. C. Mylarappa) was selected by a Committee of experts, the High Court should not have exercised its jurisdiction over the selection made by an expert Panel and more so, when the High Court could not have noticed any mala fides attributable to the members of the expert Committee.

14. In the instant case, though the petitioner had retired in 2001, he was invited to present his research papers for being considered for award of CAS benefits in 2019, which is after 18 years of his retirement. This clearly indicates that there was no bias in the minds of any of the authorities of the University. So also, it is not the case of

(9)

the petitioner that some of the authorities of the University were prejudiced against him.

15. The affidavit-in-reply filed by the University, dated 31/07/2021, indicates that the Special Committee appointed for assessing research work done by the candidates, did not recommend the petitioner for being considered as none of the five publications presented by him were in his bio-data. So also, the University did not recommend the case of the petitioner as the remarks on his publications were not as per the required standard. The chairman of respondent No.2 has also observed in his assessment report that the petitioner was not found eligible by three expert members who evaluated his research publications and who have given negative remarks at the University level. Several candidates were evaluated and many of them were found to be ineligible.

16. In paragraph Nos.27 and 28 of B. C. Mylarappa Alias Dr. Chikkamylarappa Vs. Dr. R. Venkatasubbaiah and others (supra), the Honourable Apex Court has relied upon its earlier judgment and has noted as under :

27. Again in M.V. Thimmaiah v. Union Public Service Commission, this Court clearly held that in the absence of any mala fides attributed to the expert body, such plea is usually raised by an interested party (in this case the unsuccessful candidate) and, therefore, court should not draw any conclusion on the recommendation of the expert body unless allegations are substantiated beyond doubt. That apart, the challenge to the selection made by the expert body and approved by the University Authorities was made by Respondent Nos. 1 and 2 who were unsuccessful candidates and were not selected for appointment to the post of Professor in the Department of Sociology.

28. In National Institute of Mental Health & Neuro Sciences v. Dr. K. Kalyana Raman, this Court considered in detail the role of an expert body in deciding the candidature for selection to a particular post. While doing so, this Court at pp. 484-85, para 7 of the said decision observed as follows:

"7. ... In the first place, it must be noted that the function of the Selection Committee is neither judicial nor adjudicatory. It is purely administrative. The High Court seems to be in error in stating that the Selection Committee ought to have given some reasons for preferring Dr. Gauri Devi as against the other candidate. The selection has been made by the assessment of relative merits of rival candidates determined in the course of the interview of candidates possessing the required eligibility. There is no rule or regulation brought to our notice requiring the Selection Committee to record reasons. In the absence of any such legal requirement the selection made without recording reasons cannot be

found fault with. The High Court in support of its reasoning has, however, referred to the decision of this Court in Union of India v. Mohan Lai Capoor. That decision proceeded on a statutory requirement. Regulation 5(5) which was considered in that case required the Selection Committee to record its reasons for superseding a senior member in the State Civil service. The decision in Capoor case was rendered on 26-9-1973. In June, 1977, Regulation 5(5) was amended deleting the requirement of recording reasons for the supersession of senior officers of the State Civil services. The Capoor case cannot, therefore, be construed as an authority for the proposition that there should be reason formulation for administrative decision. Administrative authority is under no legal obligation to record reasons in support of its decision. Indeed, even the principles of natural justice do not require an administrative authority or a Selection Committee or an examiner to record reasons for the selection or non-selection of a person in the absence of statutory requirement. This principle has been stated by this Court in [R. S. Dass v. Union of India](#) in which Capoor case was also distinguished."

Keeping this observation in our mind and considering the facts and circumstances of the present case, we find that there was no dispute in this case that the selection was made by the assessment of relative merit of rival candidates determined in the course of the interview of the candidates and after thoroughly verifying the experience and service of the respective candidates selected the appellant to the post of the Professor in the said Department."

(12)

17. In view of the above, we do not find any merit in this petition.

The same is, therefore, dismissed. Rule is discharged.

(S. G. MEHARE, J.)

(RAVINDRA V. GHUGE, J.)

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