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13.06.2022
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**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

**W.P.A 7569 of 2021
IA No. CAN 1 of 2021**

**Dr. Sekhar Chandra Set
-versus
The State of West Bengal & Ors.**

**Dr. Sekhar Chandra Set.
...Petitioner in person.**

**Mr. Nandalal Singhanian,
Mr. Debu Chowdhury,
Ms. Twinkle Kaur.
...For UOI.**

Leave is granted to the learned advocate appearing for the respondent No. 3, Union of India to get the affidavit-in-opposition affirmed, stamped and punched before this Court. The said affidavit-in-opposition has already been notarized on 14th January, 2022 before the Notary Public at Delhi.

Affidavit-in-reply to the said affidavit-in-opposition filed in Court today be taken on record.

Pursuant to an advertisement made by the University of Chicago inviting applicants for filling up the “Indian Ministry of Culture Vivekananda Chair” for visiting professorship at the University for a senior scholar of significant academic distinction in a field of study promoted by Swami Vivekananda the petitioner applied for the said Chair in the year 2020.

The advertisement mentions that for being selected the applicant should be a senior scholar whose research work falls into one or more of the fields of study most relevant to the teachings and legacy of Swami Vivekananda (human values, social change, and Indian philosophy) and who possess demonstrated records of scholarly excellence and pedagogical accomplishment.

As per the agreement entered in between the Ministry of Culture, Government of India and the University of Chicago, USA, the said Chair is to honour the life and legacy of Swami Vivekananda by promoting the fields of study most relevant to his teachings and philosophies and movement for social change to further the study of Indian Culture in the United States, to advance the understanding of the history, culture and people of India, to create more knowledge about Indian Society and to instruct new generations of students.

For identifying and selecting a distinguished scholar to occupy the said Chair, the University of Chicago is to conduct an international search in accordance with its policies and academic principles to identify a pool of candidates whose research work falls into one or more of the key areas of human values, social change, and Indian philosophy- fields of study most relevant to the teachings and legacy of Swami Vivekananda- and who possess a demonstrated records of scholarly excellence and pedagogical accomplishment.

The University of Chicago will then provide the Indian Government with the names and dossiers of the two or three candidates whose work epitomizes the legacy of Swami Vivekananda.

The University of Chicago will accept the Government of India's feedback as to which candidates best meet the goals and purposes articulated in the said agreement.

The University of Chicago is to take a feedback into full and deliberate consideration in making its final selection from amongst this pool of suitable candidates.

The petitioner apprehends that his candidature may not be taken into consideration because of the vagueness in the advertisement itself.

The petitioner tries to make out a distinction between the expression 'senior scholar of significant academic distinction' and a 'significance scholar'.

Learned advocate appearing for the Union of India submits that the process of selection is yet to be concluded and the names are yet to be finalized for the said Chair.

The finalization of the candidate could not be made in view of the stay order passed by this Court in W.P. 20999(W) of 2018 filed by the petitioner.

It appears from the submissions made on behalf of the parties that the initial advertisement published in the year 2018 could not be finalized because of the pendency of the writ petition being W.P. 20999(W) of 2018 and the interim order passed therein. As the selected candidate ideally holds a position for a period of two years, accordingly, the Chair could not be filled up.

The University of Chicago published a further advertisement in the year 2020. The same could not be

concluded in view of the pendency of the earlier writ petition and the present writ petition filed by the petitioner.

The earlier writ petition being W.P. 20999 (W) of 2018 stood disposed of by the Court on 10th June, 2022 and the stay order passed with regard to filling up the Chair has been vacated. As of now there is no impediment on the part of the respondent authority to take steps for filling up the said Chair.

As the petitioner has already applied pursuant to the advertisement, it is not open for him to challenge as to whether the said advertisement is vague or not. Being completely aware of the terms and conditions of the advertisement, he has submitted his application.

The process of selection is yet to be over. It is not open for the writ court to take a decision at this stage whether the petitioner is the most competent candidate or not. It is for the authorities to take a decision in the matter after looking into the comparative merit of the applicants.

Accordingly, the instant writ petition is disposed of by granting liberty to the respondent to take steps for conclusion of the selection process initiated for filling up of the aforesaid Chair, strictly in accordance with law.

The writ petition and the connected application stand disposed of.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)