



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR**

WRIT PETITION NO. 6424 OF 2023

(Anil Chamadia s/o late Ramgopal Chamadia vs. Mahatma Gandhi Antarrashtriya Hindi Vishwavidyalaya and others)

*Office Notes, Office Memorandum of Coram,
appearances, Court's orders of directions
and Registrar's orders.*

Court's or Judge's order

Mr. P.D.Meghe, Advocate for the petitioner.
Mr. A.C.Dharmadhikari, Advocate for respondent Nos.1 and 2.
Ms.Meghna Munshi, Advocate for respondent No.3.

CORAM : AVINASH G. GHAROTE & ABHAY J. MANTRI, JJ.

DATE : NOVEMBER 18, 2024

1) Heard Mr.Meghe learned Counsel for the petitioner and Mr.Dharmadhikari, learned Counsel for the respondent Nos.1 and 2.

2) The petition questions communication dated 09/01/2023 (page 24) by which the cancellation of the appointment of the petitioner, in pursuance to the remand in Writ Petition No.1466/2010 dated 30/09/2022 (page 79) has been maintained on the ground, that the petitioner had never applied for the post of Professor (Mass Media) with Specialization in Print Media.

3) On 12/09/2024 the following position was recorded :-

“(1) The only controversy involved is whether the Petitioner had applied for being considered to be appointed as a Professor for both the posts viz. (1) Professor with Specialization in Print Media and (2) Professor with Specialization in TV Journalism. The rejection of the candidature of the Petitioner, consequent to the remand by this Court by the order dated 30/09/2022 in Writ Petition No.

1466/2010 (Page 79), as reflected from the impugned order dated 09/01/2023 (Page 24), is on account of the Petitioner not having applied to be appointed as a Professor with Specialization in Print Media, but his Application was only to be appointed as a Professor with Specialization in TV Journalism. The Application at Page 64 indicates, that the post applied for is Professor (Culture), Post Code No.10. The advertisement dated 20/11/2008 (Page 35) to which the Employment Notice No.NGAHV/01/2008 has been annexed, indicates that Post Code No.10 is for appointment as a Professor in Mass Media with Specialization in TV Journalism.

(2) As against this, the Petitioner has been appointed as a Professor in Mass Media with Specialization in Print Media. The minutes of the Selection Committee (Page 46) at Serial No. 6, indicate the request received from the Petitioner for considering his candidature for both the posts of Professor (Print Media) and Professor (TV Journalism), which was placed before the Selection Committee, which opined to consider his application for one post only and obtain his specific willingness for the same.

(3) Since the Petitioner along with the Petition has not annexed any Application to indicate that he had also applied for the post of Professor (Mass Media) with Specialization in Print Media and that is the only reason why recommendation of the Selection Committee has not been accepted by the Executive Council by the communication dated 09/01/2023, Mr. Dharmadhikari, learned Counsel for the Respondent No. 1 to file an affidavit on record stating whether the Petitioner had also applied for the post of Professor (Mass Media) with Specialization in Print Media with Post Code No.9 and in case there is such an Application filed, the same shall be placed on record. He is also directed to place on record the file of the Selection Committee for Post Code No.9 along with all the Applications received.

(4) List the matter on 19/09/2024.”

4) Today, we have perused the file of the Selection Committee for Post Code No.09 and Post Code No.10 whereupon, we find that the petitioner had never applied for the Post Code No.09 i.e. Professor (Mass Media) Specialization in Print Media. The file indicates the singular application of the petitioner for Post Code No.10 i.e. Professor (Mass Media)–Specialization in TV Journalism. This would therefore make it apparent that though the petitioner had never applied for the Post Code No.09, the Selection Committee in its own wisdom treated the candidature of the petitioner for the Post Code No.09 also and recommended his name for the Post Code No.09. That the petitioner had not applied for the Post Code No.09, is further apparent as the file indicates 17 candidates had applied for Post Code No.09, however, the name of the petitioner does not figure there, out of those 17 persons 05 persons were held eligible for interview for the Post Code No.09, in which also the name of the petitioner does not figure. This would clearly indicate that the Selection Committee, of its own did not have any jurisdiction to consider the candidature of the petitioner for the Post Code No.09 and make a recommendation to that effect, as all that the Selection Committee is empowered to consider, is the candidature of the candidate to the post to which candidate has applied, specifically so, when the application was in pursuance to an advertisement and was not a walk-in-interview.

5) Mr. Meghe, learned Counsel for the petitioner has been unable to point out to us any application made by the petitioner for Post Code No.09, and it is also the case of the respondents that the petitioner had never applied for the said post. If that be the case, the Selection Committee could not have considered the request of the petitioner to consider his candidature for the Post Code No.09, which is the position as reflected on perusal of the Selection Committee report (page 47). Though learned Counsel Mr.Meghe, places reliance upon the Ordinance 38, all that it prescribes is the procedure and norms for appointment and nothing else. Though clause 10 of the said Ordinance indicates that the Selection Committee may decide its own method for evaluating the performance of the candidates, such evaluation necessarily has to be in terms of the application made by the candidate for a particular post and not otherwise. The contention of learned Counsel Mr.Meghe, that similar qualifications were prescribed for the Post Code Nos.09 and 10 is only to be mentioned to be rejected as what is necessary to note, is that the specialization indicated in the last column of the advertisement, clearly indicated the preference/requirement of specialization in different fields, which was for the purpose of imparting teaching in those fields.

6) It is therefore, apparent that since the petitioner had never applied for the Post Code No.09, his candidature could not have been considered by the Selection Committee for the said post and the

recommendation in that regard thus would not be legal. The appointment order dated 07/07/2009, therefore, has rightly been refused to be approved by the Executive Committee of the respondent No.1 and we do not see any reason made out by the petitioner to interfere in the impugned order dated 09/01/2023. The petition is therefore, dismissed. No costs. The original file of the selection process be returned back to the respondent No.1.

(ABHAY J. MANTRI, J.)

(AVINASH G. GHAROTE, J.)

KOLHE