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W.P.No.26566 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Orders reserved on : 27.06.2024

Orders pronounced on : **30.07.2024**

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.26566 of 2022

Dr.T.Sumathi

.. Petitioner

Versus

1. The Vice Chancellor,
Chair Person of Selection Committee and
Syndicate of University of Madras,
Chepauk, Chennai - 600 005.

2. The Registrar,
University of Madras,
Chepauk, Chennai - 600 005.

.. Respondents

(R1 - cause title amended as per order dated 15.11.2023
in W.M.P.No.26101 of 2023 in W.P.No.26566 of 2022)

Prayer : Writ Petition filed under Article 226 of the Constitution of India,
pleaded to issue a Writ of Certiorarified Mandamus calling for the impugned
syndicate action taken report of the 1st respondent in its proceeding dated



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17.03.2023 and impugned selection committee minutes of the 1st respondent held on 11.02.2022 in so far as non-selection of the petitioner to the post of Professor in the Department of Medical Biochemistry is concerned and quash the same and consequently direct the respondents to promote the petitioner as Professor in the Department of Medical Biochemistry based on the interview held on 11.02.2022 with retrospective effect from 14.09.2019 with all monetary and other amendment benefits.

(Prayer amended as per order dated 15.11.2023 in W.M.P.No.26107 of 2023 in W.P.No.26566 of 2022)

For Petitioner : Mr.K.Raja

For Respondents : Mrs.V.Sudha, Standing Counsel

ORDER

This Writ Petition is filed challenging the action taken report of the Syndicate of the University of Madras, dated 17.03.2023 and the Selection Committee minutes, dated 11.02.2022, to quash the same insofar as it concerns the non-selection of the petitioner to the post of Professor in the Department of Medical Biochemistry and consequently, direct the respondents to promote the petitioner as the Professor in the Department of



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Medical Biochemistry based on the interview held on 11.02.2022 with retrospective effect from 14.09.2019 with all monetary and other attendant benefits.

2. The case of the petitioner is that the petitioner was initially appointed as Assistant Professor in the Department of Medical Biochemistry, University of Madras on 16.06.2005. Thereafter, she was promoted to Associate Professor on 14.09.2016. The petitioner completed three years of service on 14.09.2019 in the post of Associate Professor and she also possesses all the required norms prescribed by the University Grants Commission to be promoted to the next higher level of Professor under the Career Advancement Scheme (hereinafter referred to as 'CAS'). As per the procedure, she made an application by making a self-assessment in February, 2020. Thereafter, she was called for an interview by a call letter, dated 11.02.2022 at 11.30 A.M informing her that interview would be held at 12.30 P.M on the same day. The petitioner has presented the minimum



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norms required and her qualifications mentioned in the tabulated form in the

affidavit filed in support of the Writ Petition, read as follows:-

CLAUSE NO.	AS PER THE UGC NORMS REQUIRED QUALIFICATION	FULFILLED BY THE CANDIDATE
6.4 (C) IV(1)	Associate Professors who have completed three years of service in that grade	Completed 5 years and 4 months
6.4 (C) IV (2)	Ph.D. degree in concerned subject/allied/relevant discipline	Ph.D. in the Bio Chemistry completed in the year 2002.
6.4 (C) IV (3)	A minimum of ten research publication in the peer reviewed/UGC listed journals out of which three research papers	Published 61 research publications in international papers, of which 20 research publications were published during CAS period (2016-2019)
6.4 (C) IV (4)	A minimum of 110 Research Score as per Appendix III, Table 2.	Research score 340 as per Appendix III, Table - 2.
CAS PROMOTION CRITERIA : A TEACHER SHALL BE PROMOTED IF		
6.4 (C) IV (i)	The teacher gets 'satisfactory' or 'good' grade in the annual performance assessment reports of at least two of the last three years of the assessment period, as per	1) Good grade - API score 127.33 out of 90 as per Sl.No. 1 in the Table-1 of appendix - III.



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	Appendix III, Table 1.	
	And at least 110 research score as per appendix III, Table 2.	2) Good grade in student related activities/research activities involved in 5 activities against 3 activities required as per Sl.No.2 in Table-1 of appendix-III. API score 340 against API score 110 required and 4 activities involved against minimum required 3 activities.

3. This apart, the petitioner claims that the petitioner has the following credentials also:-

- "a. I have been twice awarded with '**BEST RESEARCHER AWARD**' during the assessment period - 2017 and 2019 by University of Madras for the academic year 2015-2016, 2016-2017 & 2018-2019.
- b. During my tenure, I have produced **10 PH.D. SCHOLARS**, of which **6 SCHOLARS** have been awarded Ph.D. during the CAS period (2016-2019).
- c. I have published **3 BOOD CHAPTERS** in Nova Science publishers.Inc, which was also during the CAS period.
- d. I have also delivered **TWO PHENOMENAL TALKS**



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at International Conference held in **FRANCE** (2017) and **SINGAPORE (2019)** which were also during my CAS period.

e. One of my Ph.D. scholars received "**BEST THESIS AWARD**" during my CAS (2019) period."

4. In this background, after the interview, by the impugned proceedings, dated 17.03.2023, the petitioner was not selected for CAS to the post of Professor. The petitioner also applied under the Right to Information Act and was furnished with the impugned action taken report of the Syndicate, whereby, she was informed that the Selection Committee had not recommended her case. Feeling aggrieved, the present Writ Petition is filed.

5. The Writ Petition is resisted by the respondent University by filing a counter-affidavit. According to the counter-affidavit, the petitioner was given Career Advancement as an Associate Professor with effect from 14.09.2016. Thereafter, the petitioner submitted her CAS application, dated 20.02.2020 for CAS promotion from Associate Professor (Stage 4) to



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Professor (Stage 5). As per the orders, further process about her CAS promotion was done and after receiving satisfactory evaluation reports and API score, she was called to appear before the Selection Committee on 11.02.2022. However, her CAS as Professor was not recommended by the Selection Committee. The Selection Committee report was placed before the syndicate and the same was also approved vide the action taken report, dated 17.03.2023. As per the UGC regulations, if a candidate does not succeed in the first assessment, he/she has to be re-assessed only after one year. Subsequently, Disciplinary Proceedings are now sought to be initiated against the petitioner concerning her continuous absence in the Research Review Committee. The petitioner has also separately filed a Writ Petition concerning the said proceedings, whereunder, this Court directed her to give an explanation to the show-cause notice and the proceedings are pending.

6. Heard *Mr.K.Raja*, learned Counsel for the petitioner and *Mrs.V.Sudha*, learned Standing Counsel for the respondents.



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7. *Mr.K.Raja*, learned Counsel for the petitioner would submit that when the CAS is personal to the petitioner, whereby, upon attaining the minimum qualifications, the consequent promotions have to be conferred on the petitioner. The Screening-cum-Evaluation Committee has screened the case of the petitioner and found that she is fit to be considered for promotion under the CAS having satisfied with the minimum criteria. In that background, when the Selection Committee met, the only remit of the Selection Committee is to consider the Screening-cum-Evaluation Report and also to consider whether the petitioner is otherwise suitable for promotion with reference to pendency of the Disciplinary Proceedings etc., and ought to have recommended the petitioner for promotion. He would submit that even assuming that the Selection Committee can conduct an interview, the Selection Committee ought to have specified the criteria as to how many marks shall be apportioned for the interview and what is the minimum mark that a candidate should gain in the interview. It cannot be by



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an arbitrary process and without reasons, the Selection Committee can reject a particular candidate's promotion.

8. In support of his submissions, the learned Counsel for the petitioner would rely upon the judgment of Hon'ble Supreme Court of India in ***Raj Kumar and Ors. Vs. Shakti Raj and Ors.***¹, more specifically, paragraph Nos.12 to 14, to contend that the Selection Committee cannot simply ignore all the other criteria and solely rely upon the interview alone. They should have set proper criteria, pulled in all the other marks, added the same along with viva-voice marks and then decided. In the absence of such an exercise, the entire exercise would be arbitrary. The learned Counsel would rely upon the judgment of a co-ordinate single bench of this Court in ***Dr.Ganapathi Malarvizhi Vs. State of Tamil Nadu and Ors.*** in ***W.P.Nos.30069 of 2019 etc., batch cases***, more specifically relying upon paragraph Nos.32, 45 to 50 to contend that the Selection Committee should follow the UGC regulations and the criteria stipulated therein and this Court has specifically found that

¹ [1997] 9 SCC 527



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in the absence of any benchmark for the evaluation of the candidates, the procedure is unsustainable.

9. The learned Counsel would rely upon the judgment of the Division Bench of this Court in ***S.K.Nagarajan Vs. The Vice-Chancellor, Annamalai University*** in (***W.A.No.1807 of 2022 etc., batch cases***) to contend that the CAS is made to grant monetary promotions to the Teachers once they fulfill the norms under the regulations. Paragraph No.20 of the said judgment of the Division Bench is relied upon. The learned Counsel would rely upon the judgment of the High Court of Andhra Pradesh in ***A.P.Grameena Vikas Bank by its Chairman Vs. E.Satyanarayana Goud and Ors.***² to contend that in cases of promotions, when there are stipulations to the benchmark, the Selection Committee has to consider seniority of the person and promote the person concerned.

² 2014 0 Supreme [AP] 325
<https://www.mhc.tn.gov.in/judis>



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10. Per *contra*, Mrs.V.Sudha, learned Standing Counsel for the respondents, would submit that as per the UGC regulations, minimum criteria are prescribed for selection. Once the candidates make the applications, they will be placed before the Screening-cum-Evaluation Committee. In this case also, the petitioner's application was placed before the Screening-cum-Evaluation Committee which found that the petitioner has the eligibility to be promoted and satisfied the minimum criteria. However, as far as the promotion to the post of Professor is concerned, apart from satisfying the minimum eligibility, the Selection Committee should also recommend the candidate for promotion. The composition of the Selection Committee is also prescribed under the Rules. The duly constituted Selection Committee conducted the selection and the petitioner appeared before the Selection Committee and after the interview, since the petitioner did not answer the questions in the interview, an expert member of the Selection Committee did not recommend the case of the petitioner for the promotion and all the other Selection Committee members also agreed



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with the same. The said recommendation was duly placed before the syndicate and the syndicate also approved the same.

11. The details of the selection committee proceedings were not revealed to the petitioner as that could not be made public to the petitioner. The Hon'ble Supreme Court of India, in the case of ***Bihar Public Service Commission Vs. Saiyed Hussain Abbas Rizwi and Anr.***³ has held the necessity for maintaining secrecy. There is no error in the selection process which was conducted as per the UGC regulations and when it comes to recommendation to the higher post of Professors, it is the opinion of the experts that matters and the Syndicate has also approved the decision arrived at by the Selection Committee. It will be open for the petitioner to apply once again and after a period of one year, her case will be re-considered. However, without reapplying, the petitioner is agitating before this Court.

This apart, now, Disciplinary Proceedings are also being initiated against her

³ AIR OnLine 2012 SC 452



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for other misconduct of not participating in the Research Review
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Committee.

12. I have considered the rival submissions made on either side and
perused the material records of the case.

13. The question which arises in the instant case is whether or not the
rejection of the CAS promotion to the petitioner to the post of Professor is in
order?

14. There is no quarrel between the parties that the CAS applicable
and the same is personal in nature. That is, a Teacher, who is appointed as
Assistant Professor, upon putting in minimum years of service, would be
conferred to the next level as per the scheme which is personal to her and the
Teacher may reach upto the level of Professor. Once the incumbent retires,
the post will still be that of the Assistant Professor and the promotions which



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are granted would be personal to the incumbent. The scheme as well as the procedure is governed by the regulations framed by the University Grants Commission framed in the exercise of its power under Section 26(I)(e) and (g) read with Section 14 of the *University Grants Commission Act, 1956* (*Central Act 3 of 1956*). The said regulations are framed vide proceedings bearing No.F.1-2/2017(EC/PS), dated 18.07.2018 and published in the gazette. The said regulations deal with the minimum qualifications for appointment of Teachers and other academic staff in Universities as well as Colleges and prescribe for maintenance of minimum standards.

15. Regulation 1 deals with coverage concerning the class of Teachers and Staff etc. Regulation 2 deals with pay scales, pay fixation and age of superannuation. Regulation 3 relates to recruitment and qualifications. It provides the minimum basic qualification for the post of Assistant Professor etc. Regulation 4 deals with the method of direct recruitment to the post of Assistant Professor, Associate Professor, Professor, Senior Professor,



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Principal etc., and prescribes the qualifications for various categories.

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Regulation 5 deals with the constitution of Selection Committees and Guidelines on selection procedure. As far as the Selection Committee for the post of Professor in the Universities is concerned, the composition of the Selection Committee is mentioned in Regulation 5.1 III. The same is extracted hereunder :-

"III. Professor in the University

(a) The Selection Committee for the post of Professor in the University shall consist of the following persons :

i) Vice-Chancellor who shall be the Chairperson of the Committee.

ii) An academician not below the rank of Professor to be nominated by the Visitor/Chancellor, wherever applicable.

iii) Three experts in the subject/field concerned to be nominated by the Vice-Chancellor out of the panel of names approved by the relevant statutory body of the university concerned.

iv) Dean of the faculty, wherever applicable.

v) Head/Chairperson of the Department/School.

vi) An academician belonging to the SC/ST/OBC/Minority / Women / Differently-abled categories, if any of the candidates representing these categories is the applicant, to be nominated by the Vice-Chancellor, if any of the above members of the selection committee does not belong to that category.

(b) At least four members, including two outside subject experts, shall constitute the quorum."



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16. Apart from the Selection Committee, Regulation 5.1 X provides for Screening-cum-Evaluation Committee in respect of CAS promotion from one level to a higher level. The same is extracted hereunder:-

"X. The "Screening-cum-Evaluation Committee" for CAS promotion of Assistant Professors/equivalent cadres in Librarians/Physical Education and Sports from one level to the other higher level shall consist of:

A. For University teachers:

- i) The Vice-Chancellor or his/her nominee shall be the Chairperson of the Committee;
- ii) The Dean of the Faculty concerned;
- iii) The Head of the Department /Chairperson of the School; and
- iv) One subject expert in the subject concerned nominated by the Vice-Chancellor from the University panel of experts."

17. Regulation 5.2 provides the manner, in which, the Screening-cum-Evaluation Committee should assess, and the same reads as follows:-

"5.2. The Screening-cum-Evaluation Committee on verification/evaluation of grades secured by the candidate through the Assessment Criteria and Methodology Proforma designed by the respective university based on these Regulations and as per the minimum requirement specified:

- (a) In Appendix II, Table 1 for each of the cadre of Assistant Professor;
- (b) In Appendix II, Table 4 for each of the cadre of Librarian; and



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(c) In Appendix II, Table 5 for each of the cadre of Physical Education and Sports shall recommend to the Syndicate/ Executive Council /Board of Management of the University/College about the suitability for the promotion of the candidate(s) under CAS for implementation."

18. As a matter of fact, Regulations 5.3 and 5.4 are generally in respect of the selection process without specifically mentioning the direct recruitment or the CAS promotions and the same read as follows :-

"5.3 The selection process shall be completed on the day/last day of the selection committee meeting, wherein the minutes are recorded and recommendation made on the basis of the performance of the interview are duly signed by all members of the selection committee.

5.4 For all Selection Committees specified in these Regulations, Head of Department / Teacher-Incharge should be either in the same or higher rank/ position than the rank/position for which the interview is to be held."

19. Regulation 6 deals with the selection procedure. Regulation 6.0 I generally lays down how the selection procedure must be, which is also extended to the CAS promotion specifically and it reads as follows:-

"6.0 SELECTION PROCEDURE:



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I. The overall selection procedure shall incorporate transparent, objective and credible methodology of analysis of the merits and credentials of the applicants based on the weightage given to the performance of the candidate in different relevant parameters and his/her performance on a grading system proforma, based on Appendix II, Tables 1, 2, 3A, 3B, 4, and 5.

In order to make the system more credible, universities may assess the ability for teaching and / or research aptitude through a seminar or lecture in a classroom situation or discussion on the capacity to use the latest technology in teaching and research at the interview stage. These procedures can be followed for both the direct recruitment and the CAS promotions, wherever selection committees are prescribed in these Regulations."

(emphasis supplied)

20. As far as the assessment of the performance of the College and University Teachers for CAS promotion is concerned, the method is prescribed in Regulation 6.0 VII A which reads as follows:-

"A. The Assessment of the performance of College and University teachers for the CAS promotion is based on the following criteria:

i. **Teaching-Learning and Evaluation:** The commitment to teaching based on observable indicators such as being regular to class, punctuality to class, remedial teaching and clarifying doubts within and outside the class hours, counselling and mentoring, additional teaching to support



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the college/university as and when the need arises, etc. Examination and evaluation activities like performing of examination supervision duties, question-papers setting for university/college examinations, participation in the evaluation of examination answer scripts, conducting examinations for internal assessment as per the schedule to be announced by the institution at the beginning of each Academic Session and returning and discussing the answers in the class.

ii. Personal Development Related to Teaching and Research Activities:

Attending orientation/refresher/methodology courses, development of e-contents and MOOC's, organising seminar/conference/ workshop / presentation of papers and chairing of sessions/guiding and carrying out research projects and publishing the research output in national and international journals etc.

iii. Administrative Support and Participation in Students' Co-curricular and Extra-curricular Activities."

21. Thereafter, the assessment process, as to how the promotion has to be granted is mentioned in Regulation 6.0 VII B, which prescribes three step process, reads as follows:-

"B. Assessment Process

The following **three-step** process is recommended for carrying out assessment for promotion under the CAS at all levels:

Step 1: The college/university teachers shall submit to college/university an annual self-appraisal report in the prescribed Proforma to be designed based on Tables 1 to 5 of Appendix II. The report should be submitted at the end



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of every academic year, within the stipulated time. The teacher will provide documentary evidence for the claims made in the annual self-appraisal report, which is to be verified by the HOD/Teacher-in-charge etc. The submission should be through the Head of the Department (HOD)/teacher-in-charge.

Step 2: After completion of the required years of experience for promotion under CAS and fulfilment of other requirements indicated below, the teacher shall submit an application for promotion under CAS.

Step 3: A CAS Promotion shall be granted as mentioned in Clauses 6.4 of these Regulations."

Thus, it can be seen that the concerned Teacher shall submit a self-appraisal report in a prescribed proforma based on Tables-1 to 5 of Appendix-II, at the end of every academic year. Then, the second step is that once the Teacher concerned fulfills the minimum number of years for promotion under CAS, he/she will submit an explanation. Thereafter, the CAS promotion would be granted as mentioned in Clause-6.4 of the Regulations.

22. Regulations 6.1 to 6.3 prescribe the various tables and methods of assessing criteria such as API scores etc. Regulation 6.4 provides for the



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steps of promotion under CAS. Under the scheme, the Assistant Professor would first get advancement to Senior Scale/Academic Level 11, then, the second Career Advancement from Senior Scale/Academic Level 11 to Selection Grade/Academic Level 12. The third Career Advancement is Assistant Professor (Selection Grade/Academic Level 12) to Associate Professor (Academic Level 13A). The fourth level is the Associate Professor (Academic Level 13A) to the Professor (Academic Level 14).

23. On a careful reading of Regulation 6.4, it will be clear that once the candidate possesses minimum qualification in terms of the API score etc., the promotion will be granted if she fulfills the promotion criteria mentioned therein. As far as the first and second advancement from Academic Level 10 to Academic Level 11 and Academic Level 11 to Selection Grade/Academic Level 12 in the post of Assistant Professor is concerned, the twin criteria is that she should get a satisfactory or good grade in the annual performance assessment report for the last four and five



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years concerning the assessment period and the promotion should be recommended by the Screening-cum-Evaluation Committee. The procedure is slightly changed when it comes to the next levels of promotion from Assistant Professor to Associate Professor and Associate Professor to Professor. Here, the candidate, apart from possessing minimum eligibility standards, should also possess a satisfactory or good grade in the annual performance assessment report of atleast two of the last assessment period and the promotion should also be recommended by the Selection Committee in accordance with the Regulations. The relevant Regulation concerning the Career Advancement from Associate Professor to Professor is extracted hereunder:-

"IV. Associate Professor (Academic Level 13A) to Professor (Academic Level 14)

Eligibility:

- 1) An Associate Professor who has completed three years of service in Academic Level 13A.
- 2) A Ph.D degree in the subject concerned/allied/relevant discipline.
- 3) A minimum of ten research publications in the peer-reviewed or UGC-listed journals out of which three research papers should have been published during the assessment period.



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4) Evidence of having successfully guided doctoral candidate.

5) A minimum of 110 Research Score as per Appendix II, Table 2.

CAS Promotion Criteria:

A teacher shall be promoted if;

i) He/she gets 'satisfactory' or 'good' grade in the annual performance assessment reports of at least two of the last three years of the assessment period, as per Appendix II, Table 1, and at least 110 research score, as per Appendix II, Table 2.

ii) The promotion is recommended by a selection committee constituted in accordance with these Regulations."

Thus, it can be seen that the petitioner will be eligible for the CAS promotion as a Professor upon completion of three years of service in the post of Associate Professor in the Academic Level 13A and she must possess a Ph.D degree in the concerned/allied/relevant discipline.

24. There is no quarrel that the petitioner possesses the above eligibility conditions. The Screening-cum-Evaluation Committee had screened and also recommended her case as having in possession of the minimum research score of 110 as per Appendix-II. Thereafter, she should



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possess a satisfactory or good grade in her annual performance assessment report for atleast two of the three years of the assessment period. The same is also not in dispute between the parties. Therefore, she was included in the final stage that is to be recommended by the Selection Committee which is constituted under the Regulations.

25. The said Selection Committee, as per the counter-affidavit and as per the records which are produced before this Court, seems to have interviewed the petitioner on 11.02.2022. In the information originally furnished, certain portions of the minutes of the Selection Committee meeting were redacted and what was provided to the petitioner is that the information that the Selection Committee, on Evaluation based on the interview of the candidate Dr.T.Sumathi, Associate Professor, Department of Medical Biochemistry, found the candidate not suitable for promotion to the position of Professor. The portion that contained the names of the experts who were interviewed and the signatures of the experts are redacted and it is



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essential to extract the minutes furnished to the petitioner in the picture

format which is as follows:-

UNIVERSITY OF MADRAS
Career Advancement Scheme (CAS)

Minutes of the meeting of the Selection Committee constituted to consider the award of promotion under Career Advancement Scheme to the Teachers of the University to the cadre of Professor [Level 14] (Stage 5) held on 11.02.2022 [Forenoon] at Syndicate Room, Second Floor, Centenary Buildings, University of Madras.

DEPARTMENT	Medical Biochemistry
NAME OF THE CANDIDATE Associate Professor [Level 13A] (Stage 4)	Dr. T. SUMATHI

Name of the experts interviewed

III Party

The Selection Committee on verification/evaluation of API Score secured by the candidate and report of external experts of Dr. T. SUMATHI based on the "PRAS" methodology has recommended Dr. T. SUMATHI, Associate Professor, Department of Medical Biochemistry, for promotion to the cadre of Professor [Level-14] (Stage 5) from the date of eligibility under UGC's Career Advancement Scheme as per the revised UGC's guidelines 2018 and its subsequent amendments.

[OR]

The Selection Committee, on Evaluation based on the interview of the candidate Dr. T. SUMATHI, Associate Professor, Department of Medical Biochemistry, found the candidate not suitable for promotion to the position of Professor.

Experts conducted the interview
Signed here.
- Third Party.



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26. This apart, on a perusal of the records which were produced before this Court, apart from the above one sentence, it can be seen that one expert member who participated in the Selection Committee proceedings through virtual mode, had submitted his remarks by e-mail which reads as follows:-

"The CAS interview for the promotion from Associate Professor to Professor (Medical Biochemistry) was held on 11.02.2022, in respect of the candidate Dr.T.Sumathy and I was the external member of the interview board. Her answers (to my questions) were **Un-Satisfactory** and hence I am unable to recommend for promotion to Professor."

27. There are no other endorsements in the minutes of the Selection Committee. The other members of the Selection Committee have not recorded any independent views and all of them have signed with the above one line that the candidate is not recommended. Thus, it is clear that the Selection Committee had interviewed the petitioner and in the interview, the petitioner had not satisfactorily answered the questions which were posed by the external expert member. Therefore, the Selection Committee has not



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recommended the case of the petitioner. Whether such a procedure adopted by the Selection Committee is in tune with the Regulations extracted above is the question that begs an answer.

28. Firstly, it can be seen that the entire purpose of Regulations if read as a whole is to provide objective standards and criteria resulting in a transparent method of selection. On a reading of Regulation 6.4 C (IV) extracted above, it can be seen that the constitution of the Selection Committee, as such, is mandated by the Regulations. To that extent, the Selection Committee is rightly constituted as per the Regulations. On a reading of Regulation 6.0 I extracted above, it can be seen that the selection procedure shall incorporate a transparent, objective and credible methodology of analysis of the merits and credentials of the applicants based on the weightage given to the performance of the candidate in different relevant parameters and his/her performance on a grading system proforma, based on Appendix-II, Tables-1 to 5.



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29. Regulations further categorically state that in order to make the system more credible, at the interview stage, the Universities may assess the ability for teaching or research aptitude through a seminar or lecture in a classroom situation or discussion on the capacity to use the latest technology in teaching and research at the interview stage. The Regulations specifically state that the procedures can be followed for both the direct recruitment and the CAS promotions, wherever Selection Committees are prescribed in these Regulations.

30. The Selection Committee did not choose to consider the above criteria enumerated and chose only to interview the candidate. It can be seen that the Selection Committee has not considered the report of the Screening-cum-Evaluation Committee, whereby, the research score etc., are included as per Appendix-II, in the sense that no marks were apportioned in the selection either by following the minimum benchmark or even by prescribing any



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higher standards. The Selection Committee shall also consider the annual performance assessment. For example, the Selection Committee could have considered the annual performance report whether it is good or outstanding etc., in respect of the three years and can give weightage accordingly. Therefore, when a number of criteria are mentioned in the Universities' Regulations such as research score which is included as per the Appendix-II, the annual performance report and certain criteria are specifically enumerated in Regulation 6.0 (I) to make the system more credible at the interview stage, the present Selection Committee has gone 100% only based on the questions posted by the members during the interview.

31. Even though having an interview is well within the framework of the Regulations, even prescribing a higher percentage of marks in the entire selection for the interview will be within the right of the respondent University, given that the selection is for the higher post of Professor, the



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same can never be 100% based only on the interview. The procedure that is adopted by the Selection Committee to go only by the interview alone, strikes at the very object and purpose of the entire Regulations in prescribing various criteria enumerated in detail under the various tables under the Appendix-II, various other minimum eligibility criteria, eligibility under the annual performance index, the ability for teaching, research aptitude, lecture in classroom situation, discussion on the capacity to use the latest technology in teaching and research, reduces the process from transparent to opaque, objective to subjective and credible methodology of analysis to a vague and doubtful methodology of analysis.

32. The University is certainly entitled to interview the candidate through a Selection Committee. The Selection Committee, while recommending or declining, should adopt a transparent, objective and credible methodology. This is not a case of evaluation of comparative merit and drawing up a list of meritorious candidates. This is a case of granting



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personal promotion under CAS. It can have minimum scores in every standards and it can also have a percentage of marks. In that scenario, even the selection committee, had to set objective criteria before interview and its recommendation or otherwise shall be based on such criteria. The prescription of the Regulations to have a Selection Committee to recommend over and above the Selection Committee is not a prescription for 100% interview.

33. The Selection Committee can certainly conduct an interview, but, that can only be a part of the process and shall not be all and the end of the process. Even at the outset, the Selection Committee had not recorded anything in its meeting as to how it was going to consider the candidates, how much weightage is to be given for the other eligibility including API scores etc., and how much weightage is going to give for the interview marks. Even going by the interview which is conducted, the Selection Committee did not even think it fit to fix any mark in respect of every



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member on the interview panel/Selection Committee and did not even record how many questions were asked, how many were the total marks and in the wisdom of the Selection Committee members, how many marks can be given to the petitioner. Even considering that the interview alone can be the sole criteria for recommending or non-suiting the candidate, still the present interview fails because there were absolutely no marks or nothing which is mentioned in the minutes.

34. The only fact that is on recorded is that the expert member, who participated virtually in the Selection Committee had sent an email that he is not satisfied. Therefore, his non-satisfaction can be that the candidate's answers are so worthless that she cannot be graded even for 1 out of 10 in a 10 point scale or that the candidate is so worthless that she cannot be graded 8 out of 10. Nobody knows what was the mind of the expert member in holding that he is unsatisfied with the answers and therefore, he is not recommending the petitioner. Therefore, this Court holds that firstly, the



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promotion from the post of Assistant Professor to the CAS promotion for the post of Professor from that of Associate Professor is not automatically upon completion of three years and having a score of 110 in academic achievements, but, it is further subject to two criteria, firstly, the candidate should have the minimum benchmark of satisfactory or good in her annual performance report and over and above, the Selection Committee should also recommend. To that extent, the University has rightly constituted the Selection Committee.

35. The Selection Committee, while considering the merits of the candidate, should first prescribe for itself before adverting to the assessment of the candidate as to the criteria for assessment. Whether it is going to give a percentage of weightage for the API scores, what percentage it is going to give for the annual performance report and what percentage it is going to give for interview. In the interview, whether it is going by questions alone or whether it is going to evaluate the teaching or the research aptitude, use of



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technology etc., and if so, how many marks are apportioned to each of the marks. Even the Selection Committee can prescribe minimum marks for each of the criteria. The Selection Committee can also have a higher percentage of marks for interview, given the high status of the post. Even in the interviews, the subjective assessment of the questions should be objectively graded as marks as to 1/10, 2/10, 5/10 or 10/10 in respect of each question and the marks which are granted by all the Selection Committee members in respect of the interview should be entered into. Before the interview itself, the Selection Committee shall fix the minimum standards i.e., if only the candidate gets, say for example 50/100 marks, he or she will be recommended. Thus, the letter and spirit of the Regulations, not only require that the Selection Committee members shall meet and recommend the case for promotion in the right spirit and intention, but also, such intention and spirit, should be demonstrated by transparent, credible and objective criteria. The same is lacking in the instant case. The procedure adopted by the Selection Committee does not stand the scrutiny of Articles



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14 and 16 of the Constitution of India and the present procedure adopted by the Selection Committee is arbitrary and vague which strikes at the very purpose of the detailed Regulations which are framed by the University Grants Commission.

36. Accordingly, this Writ Petition stands allowed on the following terms:-

(i) The impugned action taken report of the Syndicate of the first respondent in its proceeding dated 17.03.2023 and impugned selection committee minutes of the first respondent held on 11.02.2022 in so far as non-selection of the petitioner to the post of Professor in the Department of Medical Biochemistry shall stand quashed;

(ii) The first respondent University shall reconstitute a Selection Committee, however, with new expert members who are not part of the earlier Selection Committee;

(iii) The said Selection Committee shall formulate the criteria for



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selection for promotion from the post of Associate Professor to that of Professor and conduct the selection which may include an interview also as per the criteria and objectively assess the petitioner;

(iv) If the Selection Committee recommends the promotion of the petitioner, then, the petitioner shall be promoted to the post of Professor with effect from 14.09.2019 with all backwages, monetary benefits and other attendant benefits;

(v) The eligibility of the petitioner will be concerning the said date of 14.09.2019 and the subsequent initiation of Disciplinary Proceedings will not be a bar for consideration of promotion to the petitioner, if she is otherwise eligible;

(vi) The above exercise shall be carried out by the respondent University within three months from the date of receipt of a copy of this order and in the event that the petitioner succeeds, the orders of promotion be passed and all the benefits be granted within such period;

(vii) There shall be no order as to costs.



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30.07.2024

Neutral Citation: yes
grs

To

1. The Vice Chancellor,
Chair Person of Selection Committee and
Syndicate of University of Madras,
Chepauk, Chennai - 600 005.
2. The Registrar,
University of Madras,
Chepauk, Chennai - 600 005.



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D.BHARATHA CHAKRAVARTHY, J.

grs

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