



Vinita

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 599 OF 2022

Dr. Kashinath L. Dhumaskar,
Son of Laxman Dhumaskar,
Indian National, Age 40,
Resident of House No. 833,
Vithaldas Vado, Morjim,
Pernem, Goa, 403512.
Email id: kashinathchem@gmail.com
Phone: 9765260241.

... Petitioner

V/s

1. State of Goa,
Through its Chief Secretary,
Government of Goa
Secretariat, Porvorim.
2. Goa University
Through its Registrar
Taleigao Plateau
Taleigao, Goa.
3. Dr. Kanchanmala B. Deshpande,
Qtr. No. B-132,
BITS Pilani K K Birla Goa Campus,
NH-17B Bypass Road,
Zuarinagar, South Goa-403426.
4. University Grants Commission (UGC)
Bahadur Shah Zafar Marg,
New Delhi 110002.

.... Respondents.

Mr Pundalik Raikar, Advocate for the petitioner.

Ms Maria Correia, Addl. Govt. Advocate for Respondent no.1.

Ms A. Agni, Senior Advocate with Ms Afrin Harrihar and Mr

Junaid Shaikh, Advocates for Respondent no. 2

Mr Raviraj Chodankar, Advocate for Respondent no.3.

Mr Somnath Karpe, Central Govt. Standing Counsel and Mr Anand Shirodkar, Advocate for the respondent no. 4.

**CORAM: BHARATI DANGRE &
NIVEDITA P. MEHTA, JJ.**

Date: 30th July 2025.

ORAL ORDER (*PER NIVEDITA P MEHTA, J*).

1. The Petitioner has filed the present petition praying for various reliefs:-

(i) A Writ of Mandamus or a Writ in the nature of Mandamus, or any other appropriate Writ, Order or Direction, directing Respondent Nos. 1 and 2 to recalculate the marks awarded to candidates under Column (a) of the Expert Assessment Report pertaining to the interview conducted on 17 and 18 August 2020 for the post of Assistant Professor in Biochemistry (OBC – Reserved Category), strictly in accordance with Table 3A of the University Grants Commission (UGC) Regulations, 2018 and Table 3 of the University Statute; and Prepare the merit list for the said post accordingly,

(ii) Directing Respondent Nos. 1 and 2 to Publish/display the merit list of candidates for the post of Assistant Professor in Biochemistry (OBC Reserved Category), based on the marks recalculated under Column (a) of the Expert Assessment Report as per Table 3A of the UGC Regulations, 2018 and Table 3

of the University Statute; and make appointments to the said post in accordance with the merit list so prepared.

(iii) Directing Respondent Nos. 1 and 2 to appoint the Petitioner to the post of Assistant Professor in Biochemistry (OBC Reserved Category) on the basis of the Petitioner's score of 49 marks under Column (a) of the Expert Assessment Report, as per the applicable regulations/statutes, and in accordance with the merit list so prepared.

(iv) Restraining Respondent Nos. 1 and 2 from conducting any fresh interviews for the post of Assistant Professor in Biochemistry (OBC Reserved Category), as advertised vide Advertisement dated 22/02/2019, until the merit list is published/displayed and appointments are made as per the recalculated marks under the applicable UGC Regulations and University Statute, in a time-bound manner.

(v) For quashing and setting aside the selection and appointment of Respondent No. 3 to the post of Assistant Professor in Biochemistry (Unreserved Category), and further,

(vi) Directing Respondent Nos. 1 and 2 to conduct fresh interviews for the said post in accordance with law.

(vii) Directing Respondent Nos. 1 and 2 to initiate disciplinary proceedings against Respondent No. 3 for allegedly adopting unfair means during the interview process for the post of Assistant Professor in Biochemistry (Unreserved Category).

(viii) Directing Respondent Nos. 1 and 2 to debar Respondent No. 3 from applying to any post in Goa University, in terms of the undertaking furnished

by her to the University, for having allegedly adopted unfair means during the said interview process.

2. The brief facts of the present case are that the Petitioner holds a B.Sc. in Chemistry (70%, 2004) and two M.Sc. degrees in Organic Chemistry (70.4%) and Physical Chemistry (52%) from Goa University. He has qualified prestigious competitive exams such as CSIR-NET-JRF, NET-LS, and GATE with excellent percentile scores. He completed his PhD in Chemistry in 2015 with CSIR fellowships, has published research in reputed international journals, and possesses over six years of postgraduate and one year of undergraduate teaching experience, including guiding numerous dissertations.

3. Despite possessing all necessary qualifications and experience, the Petitioner has faced repeated discrimination in recruitment for Assistant Professor positions in Analytical Chemistry, Physical Chemistry, Biochemistry, and Organic Chemistry at Goa University. Although he served as a contract Assistant Professor and Research Associate, he was consistently overlooked in favour of less qualified candidates. His complaints regarding favouritism and bias during the recruitment process were raised with university authorities but remained unaddressed.

4. The Petitioner draws attention to multiple instances where, despite being the only qualified OBC candidate, he was denied appointments. For example, the OBC reserved post in Physical Chemistry was advertised three times; though he attended all interviews, the university either cancelled the selection process or appointed candidates from the general category who lacked relevant teaching experience. Such arbitrary decisions blatantly violate the reservation policy and principles of fairness and meritocracy.

5. The Petitioner states that Goa University, through an advertisement dated 05/12/2019 bearing Notification No. VIII GU/Admn (SCHOOL (T))/504/2019/1916, issued by its Registrar, invited applications for filling various posts of Assistant Professor, Associate Professor, and Professor in the School of Chemical Sciences on a regular/permanent basis. The vacancies were in the disciplines of Organic Chemistry, Physical Chemistry, Analytical Chemistry, and Inorganic Chemistry. The last date for submission of the online application was 10/01/2020. As per the advertisement, applicants were required to upload all necessary documents, including a valid 15-year Residence Certificate and a Caste Certificate in the case of reserved category candidates.

Subsequently, another advertisement dated 11/05/2020, bearing Notification No. IX GU/Admn (T)/504/2020/180, was issued for the recruitment of similar teaching posts in the discipline of Biochemistry in the School of Chemical Sciences, also on a regular/permanent basis. The last date for submission of the online application under this advertisement was 11/06/2020. Candidates were once again required to upload all relevant documents, including the 15-year Residence Certificate and Reservation Category Certificate for those applying under reserved categories.

6. The Petitioner states that he had applied under the OBC category for the posts of Assistant Professor in Analytical Chemistry, Physical Chemistry, Organic Chemistry, and Biochemistry pursuant to the aforementioned advertisements dated 05/12/2019 and 11/05/2020. The Petitioner holds two M.Sc. degrees one with a specialization in Physical Chemistry and another with a specialization in Organic Chemistry. He appeared for the interviews for the respective posts on the following dates: for Analytical Chemistry on 4th June 2020 (in person, at the Vice-Chancellor's Chamber, Goa University), for Physical Chemistry on 1st August 2020 (online via Google Meet), for Biochemistry on

17th August 2020 (online via Google Meet), and for Organic Chemistry on 23rd November 2020 (online via Google Meet).

7. The Petitioner states that despite possessing higher academic qualifications, teaching experience, and research credentials than several candidates selected for the post of Assistant Professor in Biochemistry, he was not selected. This denial of appointment amounts to a violation of the University Grants Commission (UGC) Regulations, 2018, the University Statutes SB-15, the Reservation Policy of the Government of Goa, and Articles 14, 16, 19, and 21 of the Constitution of India, which guarantee equality of opportunity and protection from arbitrary and discriminatory actions. The Petitioner submits that the selection process was not conducted in a fair, transparent, or merit based manner, and the selection of less qualified candidates raises serious concerns about the legality and validity of the recruitment procedure.

8. The Petitioner further states that, as per the criteria/weightage applied by the Selection Committee for direct recruitment to the post of Assistant Professor, he was awarded 33 marks under Column (a) Academic Record and Research Performance for the Biochemistry interview. However, for the

Organic Chemistry interview, he was awarded 37 marks under the same column, based on the exact same academic documents, mark sheets, teaching experience, and research publications. This inconsistency in the awarding of marks despite identical credentials indicates arbitrariness and lack of uniform assessment standards by the Scrutiny Committee/Selection Committee, thereby adversely affecting the Petitioner's candidacy for the post in Biochemistry.

9. Further, Goa University failed to maintain transparency by not publishing interview results and merit lists as mandated by its own statutes. The Petitioner sought information through RTI applications and obtained only partial disclosures after intervention by the State Information Commission. The information revealed irregularities, including arbitrary and inconsistent marking by the selection committees that adversely affected his scores and chances of appointment, violating UGC guidelines and university rules.

10. The Petitioner emphasizes that the selection criteria under UGC Regulations 2018 and Goa University statutes require that 50% of marks be awarded objectively based on academic record, research, and teaching experience, with the remaining 50% based on interview performance. Despite fulfilling and exceeding these

criteria, the Petitioner was assigned lower marks arbitrarily, especially in academic and research performance, impacting his overall score across several interviews. Consequently, candidates with inferior qualifications were selected over him, contravening statutory provisions, reservation norms, and constitutional equality.

11. Additionally, the Petitioner was unfairly penalized during the Analytical Chemistry interview for alleged Konkani language proficiency, a criterion neither disclosed nor relevant to his domain expertise. He holds valid educational certificates establishing his knowledge of Konkani and completed his education in Goa, making the deduction unjust. The petitioner also exposes Respondent No. 3's appointment as tainted by the submission of forged residence documents, disqualifying her eligibility. Despite this, she was appointed, indicating collusion and procedural violations. The Petitioner currently suffers irreparable loss of service benefits, promotion prospects, and job security due to denial of a regular appointment. He prays for appropriate judicial intervention to correct these grave injustices.

12. The learned counsel Mr P. Raikar, made the following submissions in support of his case.

- i. The entire selection process for the appointment of Assistant Professors in the School of Chemical Sciences, Goa University, was conducted in blatant violation of Regulation 6 of the UGC Regulations, 2018, which mandates a transparent, objective, and credible methodology to assess the merits and credentials of candidates based on prescribed weightages across relevant parameters. This fundamental mandate was ignored and bypassed, undermining the integrity of the selection exercise.
- ii. Despite the Petitioner being found qualified and suitable for appointment as an Assistant Professor on a contract basis, carrying a full workload equivalent to regular faculty, he was arbitrarily declared unqualified or unsuitable for a regular appointment in the same School, evidencing discriminatory treatment.
- iii. The appointment processes for Assistant Professor positions in Biochemistry, Physical Chemistry, Analytical Chemistry, and Organic Chemistry were manifestly arbitrary, designed to favour select candidates while deliberately excluding the Petitioner, thereby vitiating the selection exercise.
- iv. The Respondents have unjustly denied the Petitioner a bona fide appointment as Assistant Professor in the School of Chemical Sciences, despite his eligibility, qualifications, and experience,

resulting in a clear breach of his fundamental right to equality of opportunity in public employment under Articles 14 and 16 of the Constitution.

v. The Respondents have failed to adhere to and implement the reservation policies mandated by the Government of Goa and the University Grants Commission, both in letter and spirit, thereby violating statutory and constitutional provisions relating to the protection of the Petitioner's rights as an OBC candidate.

vi. The Respondents appointed candidates from the unreserved/general category to posts specifically reserved for OBC candidates in Biochemistry and Physical Chemistry, despite the Petitioner being the only qualified OBC candidate available, which constitutes a clear infraction of the reservation norms.

vii. The Respondents failed to conduct interviews and appointments strictly in accordance with the UGC Regulations, 2018 and the University Statutes SB-15, both of which lay down detailed procedural safeguards ensuring fairness, transparency, and objectivity in recruitment.

viii. The selection committees exhibited manifest bias and partiality against the Petitioner by arbitrarily allotting low scores in Column (a) Academic Record and Research Performance of the

Expert Assessment Report, thereby unjustifiably lowering his overall evaluation and chances of appointment.

ix. The entire selection procedure was vitiated by non-adherence to the mandatory rules and criteria prescribed under the UGC Regulations, 2018 and University Statutes SB-15, resulting in an unlawful and unfair recruitment process.

x. The Petitioner was not only the most qualified candidate among the OBC category but also more qualified than many general category candidates; nevertheless, he was denied appointment purely on arbitrary grounds, thereby violating the principles of meritocracy and equality.

xi. The University has demonstrated overt bias against the Petitioner in all recruitment processes for the posts of Assistant Professor in Analytical Chemistry, Physical Chemistry, Biochemistry, and Organic Chemistry.

xii. The scores allocated to the petitioner in the Academic Record and Research Performance segment (Column (a) of the criteria/weightage) were manipulated to deprive him of rightful selection, despite his superior academic credentials, research output, and teaching experience.

xiii. Candidates with inferior qualifications and lesser academic merit were unjustifiably appointed over the Petitioner,

undermining the fundamental principles of fair and merit-based selection.

xiv. The Petitioner was denied appointment to the post of Assistant Professor in Analytical Chemistry on the ground that he “did not demonstrate adequate knowledge of Konkani,” a criterion not prescribed in the selection guidelines and irrelevant to the subject expertise. Notably, the Petitioner is a native Konkani speaker born and raised in Goa, while candidates with Marathi as their mother tongue were selected, revealing arbitrary and discriminatory conduct.

xv. Undue and preferential treatment was extended to certain candidates in manipulation of marks and scores during expert assessment for appointments to multiple Assistant Professor posts, thereby subverting the selection process.

xvi. The University failed to declare interview results and merit lists publicly, in violation of the principles of transparency and fairness, leaving appointments to the discretionary whims of the selection committee and appointing authorities.

xvii. Candidates who failed to fulfill mandatory requirements, including submission of valid residence certificates, were nevertheless favourably considered, while the Petitioner, who has proper domicile certificates and educational qualifications in

Konkani, was rejected on irrelevant grounds, evidencing bias and arbitrariness.

xviii. In light of the above, the Petitioner's fundamental rights to fair and equal opportunity in public employment have been infringed, necessitating judicial intervention to rectify the gross irregularities and arbitrariness in the selection process and to uphold the rule of law, meritocracy, and reservation policies.

13. The learned Senior Counsel Ms. Agni, along with Ms Harrihar and Mr Shaikh, on behalf of the Respondent no. 2 – Goa University has made the following submissions:-

i. The selection process for Assistant Professor posts across various Chemistry disciplines was conducted strictly in accordance with the UGC Regulations, 2018, and the relevant University Statutes. Although the Petitioner participated in the selection process, he did not meet the prescribed eligibility criteria, particularly for the Physical Chemistry post where he failed to secure the minimum qualifying marks in his M.Sc. The Selection Committees, comprising independent subject experts, conducted a fair and unbiased evaluation of all candidates and found the Petitioner unsuitable for appointment. No candidate who was less qualified or ineligible was appointed to any reserved OBC posts, and vacancies were re-advertised where necessary.

ii. The Petitioner's allegations of bias, arbitrariness, and favouritism are wholly baseless and unsupported by any credible evidence. The Selection Committees assessed all candidates uniformly on the basis of academic record, research achievements, teaching ability, and interview performance. Appropriate representation from reserved categories was ensured at all stages. Additionally, language proficiency especially in Konkani was considered a relevant criterion, which the Petitioner failed to satisfy. The Petitioner's claims of forgery or irregularities concerning the candidature of Respondent No. 3 are denied as unsubstantiated and without merit.

iii. The University has complied fully with all transparency requirements, including providing timely access to relevant documents under the Right to Information Act without undue delay or denial. Confidentiality concerning the identities of Selection Committee members and subject experts is maintained in accordance with institutional policy to protect the integrity of the selection process. The statutory provisions under Statute SB-15 and the UGC Regulations were followed uniformly. Interview marks were awarded on objective criteria related to academic qualifications, domain expertise, and teaching skills, reflecting the candidate's overall suitability.

iv. It is contended that the Table 3 of the Goa University Statute SB-15 is applicable solely for shortlisting candidates for the interview stage, and the Statute expressly permits alternative shortlisting methods. The University's pre-screening committee applied a format based on Table 3 to screen and shortlist eligible candidates. However, the final selection criteria rest solely with the Selection Committee, which applies such criteria uniformly to all candidates. The marks under Column 'A' for Expert Assessment are not restricted to academic performance under Table 3A or Table 3 but also include evaluation of teaching skills, domain knowledge, and interview performance, which vary according to the candidate's demonstrated ability during the interview held on 17th and 18th August 2020. The merit list, finalised and placed before the Executive Council on 1st August 2020, has not been and cannot be revised after nearly four years.

v. There has been no selective or discriminatory application of Table 3 for OBC candidates; all candidates were treated equally and uniformly. Statute SB-15, framed in line with UGC Regulations, mandates the use of Table 3A solely for shortlisting. The Selection Committee and University are entitled to adopt their own performance appraisal methods consistent with

statutory provisions. The appointing authority the Vice Chancellor has applied a uniform weightage system across all selections in accordance with UGC's 6th Pay Statute SA-19 and Schedule SSA-vi. The selection criteria applied under the Vice Chancellor's Chairmanship allocate 50% weight to Academic Record and Research Performance, 30% to Domain Knowledge and Teaching Skill, and 20% to Interview Performance, consistent with UGC guidelines. This method is uniformly followed by all Selection Committees, as evidenced by the circulated guidelines and annexed documents. Therefore, it is denied that the Petitioner is entitled to appointment based on his interview score of 49 marks, and it is further denied that any candidate scoring below 50 marks has been selected, as candidates scoring less than 50% are deemed to have failed. The learned senior counsel appearing on behalf of Goa University relies on the following judgments in support of her contentions: -

- 1. *Moh. Mustafa Vs Union of India and others, (2022)1 SCC 294.***
- 2. *The Secretary, All India Shir Shivaji Memorial Society (AISSMS) and ors. (2025) 6 SCC 605.***
- 3. *Basavaiah(Dr.) Vs Dr. H. L. Ramesh and others, (2010) 8 SCC 372.***

4. *Dalpat Abasaheb Solunke etc Vs Dr. B. S. Mahjan etc., AIR 1990 SC 434.*

5. *Union of India and others vs Bharat Forge Ltd. & Another, (2022) 17 SCC 188.*

14. The learned counsel Mr R. Chodankar for the Respondent no.3 has advanced his arguments as under:-

i. The Respondent no. 3 has been a permanent resident of the State of Goa since June 2005, following her husband's appointment at BITS Pilani, K.K. Birla Goa Campus. She holds the requisite educational qualifications, including M.Sc., B.Ed., PG Diploma (Ecology & Environment), and Ph.D., and has considerable experience in research and teaching, having served at NEERI, IIT Mumbai, and BITS Pilani. Since the academic session 2013–2014, the answering Respondent has been continuously engaged with Respondent No.2/University in the School of Chemical Sciences, on a tenure basis, with an unblemished record of service.

ii. That in response to an advertisement dated 11.05.2020 issued by Respondent No.2/University inviting applications for seven posts of Assistant Professor in Biochemistry of which four were

unreserved, two reserved for OBC, and one for ST the answering Respondent applied under the General/Unreserved category. Although the COVID-19 pandemic initially caused delays in document submission, she obtained a valid 15-year Residence Certificate from the competent authority dated 08/08/2020 and submitted the same via email on 12/08/2020 in compliance with the University's instructions.

iii. The selection process was conducted fairly and transparently, with a total of 21 candidates appearing for the interview in the Biochemistry discipline. The answering Respondent secured the highest marks (64) and was selected under the General category through appointment order dated 01.10.2020. The Petitioner, who applied under the OBC category and availed of relevant relaxations, secured only 49 marks. Even on a hypothetical assumption that the Petitioner scored 62.5 marks, he still falls below the answering Respondent in merit. The answering Respondent had no connection to any reserved post and was lawfully appointed on merit against an unreserved vacancy. The Petitioner's act of selectively impleading only the answering Respondent, while omitting other appointees, including those selected under the OBC category, is indicative of *malafide* intent.

iv The Petitioner's allegations of procedural irregularities in terms of UGC Regulations, 2018 and Goa University Statutes are vague, unsubstantiated, and raise disputed questions of fact which are not amenable to adjudication under Article 226 of the Constitution. The petition suffers from non-joinder of necessary parties, including other selected candidates and the University Grants Commission (UGC). The answering Respondent further denies the baseless allegation of submitting a forged residence certificate, which was validly issued and submitted before the interview. Her appointment was regular, and her services have been duly confirmed by the University. The petition, filed after an inordinate delay, without any contemporaneous objection, is vitiated by laches, devoid of merit, and deserves to be dismissed.

15. The learned counsel Mr S. Karpe, learned Central Govt. Standing Counsel appearing for respondent no. 4 adopted the arguments of Respondent no. 2-Goa University.

16. Having considered the submissions advanced by the respective parties, the point that arises for determination is whether the Goa University committed any irregularity in not prescribing or furnishing the criteria or methodology for awarding marks during the interview, and further, whether it erred in not

filling the post of Assistant Professor in Marine Microbiology (OBC) and the post of Assistant Professor in Biochemistry (OBC)."

17. The posts advertised by the Goa University to which the Petitioner applied and upon being declared eligible, the Petitioner was called for an interview. However, upon publication of the selection list, the Petitioner's name did not appear, whereas the name of Respondent No.3, who, according to the Petitioner, possessed qualifications inferior to his own, was included. The Petitioner contends that the Selection Committee failed to duly appreciate his merit and acted with bias in the decision-making process. It is further the Petitioner's case that the benchmark of 50% prescribed by the Selection Committee was never disclosed prior to the interview, and the said information was obtained by the Petitioner only under the Right to Information Act. According to the Petitioner, such non-disclosure of the prescribed benchmark constitutes an irregularity in the selection process, thereby rendering the selection process unfair and arbitrary. Further the allegation of the Petitioner that there is violation of University Grants Commission Regulations 2018 as well University Statues SB-15 in the conduct of the recruitment process for the said posts.

18. In response, learned counsel appearing for the Goa University contended that the selection process was carried out strictly in accordance with applicable UGC norms and institutional statutes. It is clarified that Table 3 of the SB-15 Statutes was only for the purpose of shortlisting. It is correct that the 50% benchmark was not disclosed, this has been a longstanding internal practice followed by the University over several years. Furthermore, the University contends that none of the candidates who secured less than 50 marks in the interview were selected. It is also submitted that the Petitioner secured 49 out of 50 marks and hence did not meet the internal benchmark set by the selection committee for the interview.

19. It is well settled that the process of selection involves a high degree of discretion and expertise, which lies with the members of the duly constituted selection committee. In this context, reliance is placed on the judgment of the Hon'ble Supreme Court in ***Dalpat Abasaheb Solunke v. Dr. B. S. Mahajan***, (supra), wherein it was held in paragraph 9:

“9.----- It is needless to emphasise 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. The decision of the Selection Committee can be interfered with only on limited grounds, such as illegality or patent material irregularity in the Constitution of the Committee or its procedure vitiating the selection, or proved mala fides affecting the selection etc. It is not disputed that in the present case the University had constituted the Committee in due compliance with the relevant statutes. The Committee consisted of experts and it selected the candidates after going through all the relevant material before it. In sitting in appeal over the selection so made and in setting it aside on the ground of the so called comparative merits of the candidates as assessed by the Court, the High Court went wrong and exceeded its jurisdiction.”

20. Ordinarily, the recommendations of a Selection Committee are not amenable to judicial interference, save on grounds of *mala fides* or serious violation of statutory provisions. The Court, in the

exercise of its power of judicial review, cannot act as an appellate authority to re-assess the recommendations of the Selection Committee, nor can it examine whether the marks awarded in the viva voce are excessive or commensurate with the candidate's performance. The assessment and evaluation of a candidate's performance before the Selection Committee or Interview Board is a matter best left to the discretion of its members. In the present case, the Selection Committee awarded the Petitioner 49 marks out of 50 marks. It is an admitted position that no candidate who secured less than 50 marks was appointed by the Respondent–University. It is further admitted by the learned counsel appearing for the Goa University that the benchmark of 50% was not communicated to the candidates. However, it is the University's case that such a benchmark has been followed as a matter of practice for several years, and the Selection Board did not consider it inappropriate to continue with the same.

21. It is settled law that those candidates who take part in the selection process without any demur or protest cannot challenge the same after being declared unsuccessful. A candidate cannot approbate or reprobate at the same time. Simply because the result of the selection process is not palatable to the candidate, he or he cannot allege that the process of interview was unfair or that

there was some lacuna in the process. The challenge is raised by the Petitioner only after he was declared unsuccessful in the selection process.

22. Additionally, the Petitioner participated in the entire selection process without raising any protest or objection at any stage. It is now well established in law that a candidate who participates in the selection process without demur cannot turn around and challenge the process after being declared unsuccessful. This principle was reiterated in ***Mohammed Mustafa v. Union of India, (2022) 1 SCC 294*** Paragraphs 35 and 36 read thus: -

*35. It is in this context, we have to examine whether the appellants are estopped from challenging the recommendations made by the Empanelment Committee, given the fact that they had taken a calculated chance, and not protested till the selection panel was made public. In our opinion, the ratio in **Madan Lal and Others v. State of Jammu and Kashmir and Others, (1995)3 SCC 486** would apply in the present case as when a person takes a chance and participates, thereafter he cannot, because the result is unpalatable, turn around to contend that the process was unfair or the selection committee*

was not properly constituted. This decision, no doubt, pertains to a case where the petitioner had appeared at an open interview; however, the ratio would apply to the present case as the appellant too had taken a calculated chance in spite of the stakes, that too without protest, and then has belatedly raised the plea of bias and prejudice only when he was not recommended. The judgment in **Madanlal** (supra) refers to an earlier decision of this Court in **Om Prakash Shukla v. Akhilesh Kumar Shukla and Others**, (1986 Supp SCC 285) wherein the petitioner who had appeared at an examination without protest was not granted any relief, as he had filed the petition when he could not succeed afterwards in the examination. This principle has been reiterated in **Manish Kumar Shahi vs. State of Bihar and Others**, [(2010) 12 SCC 576] and **Ramesh Chandra Shah and Others v. Anil Joshi and Others**. [2013] 11 SCC 309]

36. More appropriate for our case would be an earlier decision in **Dr. G. Sarana v. University of Lucknow and Others**, [(1976) 3 SCC 585]

wherein a similar question had come up for consideration before a three-judge Bench of this Court as the petitioner, after having

appeared before the selection committee and on his failure to get appointed, had challenged the selection result pleading bias against him by three out of five members of the selection committee. He also challenged the constitution of the committee. Rejecting the challenge, this Court had held:

*“15. We do not, however, consider it necessary in the present case to go into the question of the reasonableness of bias or real likelihood of bias as despite the fact that the appellant knew all the relevant facts, he did not before appearing for the interview or at the time of the interview raise even his little finger against the constitution of the Selection Committee. He seems to have voluntarily appeared before the committee and taken a chance of having a favourable recommendation from it. Having done so, it is not now open to him to turn round and question the constitution of the committee. This view gains strength from a decision of this Court in **Madan Lal's** case where in more or less similar circumstances, it was held that the failure of the appellant to take the identical plea at the earlier stage of the proceedings created an effective bar of waiver against him. The following observations made therein are worth quoting:*

“It seems clear that the appellant wanted to take a chance to secure a favourable report from the tribunal which was constituted and when he found that he was confronted with an unfavourable report, he adopted the device of raising the present technical point.”

23. It is an admitted position that no prescribed benchmark was notified for awarding marks to candidates called for the interview by the Selection Committee. However, in accordance with its procedural norms, the University applied a benchmark of 50% to be secured by a candidate in the interview. Furthermore, mere selection of a candidate does not confer any vested right to appointment. The Goa University has specifically stated that, upon conclusion of the selection process, the two posts in question were not filled.

24. In view of the above, while we do not find it appropriate to interfere with the selection process already concluded, though we are of the opinion that greater transparency in future recruitment processes is necessary. In particular, any benchmark or cut-off to be applied during the interview or assessment stage must be explicitly mentioned in the advertisement or otherwise duly notified to all candidates in advance.

25. Consequently, we decline to issue a writ of mandamus directing the Goa University to appoint the Petitioner. However, the Petitioner shall be at liberty to participate in any future selection process undertaken by the University. We expect Goa University, in all future recruitment exercises, to disclose in clear terms any benchmarks or qualifying criteria that would be applied in the selection process.

With these observations, the writ petition stands disposed of.

NIVEDITA P. MEHTA, J.

BHARATI DANGRE, J.