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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.07.2025

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
AND
THE HONOURABLE MR.JUSTICE K.SURENDER

W.A.No. 2136 of 2025
and
C.M.P.No. 16180 of 2025

The Registrar,
Pondicherry University,
Dr.B.R.Ambedkar Administrative Building,
R.Venkataraman Nagar, Kalapet,
Puducherry – 605 014.

.. Appellant

Vs.

1.N.Mani

2.The University Grant Commission,
Represented by its Secretary,
Bahadur Shah Zafar Marg,
New Delhi – 100 002.

3.Union of India,
Rep. By its Secretary,
Ministry of Education,
No.122-C, Shastri Bhavan,
New Delhi – 110 001.

.. Respondents

Prayer: Writ Appeal filed under Clause 15 of Letters Patent, against the order dated 02.06.2025 made in W.P.No. 3355 of 2024.



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For Appellant : Mr.V.Chandrasekaran

For Respondents : Ms.Dhakshayini Reddy

for Mr.G.Arumugaraja

JUDGMENT

(Judgment of the Court was made by R.SUBRAMANIAN, J.)

Challenge by the University is to the order of the learned single Judge dated 02.06.2025 made in W.P.No. 3355 of 2024, prayer in which, was for issuance of a writ of certiorarified mandamus to quash the order dated 18.12.2023, in and by which, the petitioner in the writ petition was found to be not suitable for appointment as Professor, Centre for the Study of Social Exclusion and Inclusive Policy.

2. The University called for applications for appointment to the said post vide its advertisement dated 05.08.2019. The petitioner in the writ petition, who was working as an Associate Professor and Head of the Department of Economics at Erode Arts and Science College, a Government aided College applied for the said post. The Scrutiny Committee awarded 397 marks to the petitioner while evaluating his research papers, publications and other requirements. Only two candidates were approved by



the Screening Committee as eligible for the interview. The interview was conducted by a Selection Committee constituted by the Vice Chancellor and

it is claimed that the composition of the Committee was as per the University Grants Commissions Regulations, which provide for the composition of the Selection Committee.

3. Relevant UGC guidelines is contained in Clause 5.1 – III of the UGC Regulations on Minimum Qualifications for Appointment of Teachers and other Academic Staff in Universities and Colleges issued in the year 2018. The said Clause 5.1-III reads as follows:-

“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,*



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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.”

The Selection Committee had assessed the performance of the candidates on the basis of their academic i) background, ii) research performance, iii) quality of publications, iv) assessment of domain knowledge & v) teaching skills and interview performance.

4. At the interview, the other candidate, who was found qualified namely, Mr.P.Rangaswamy did not attend and the petitioner in the writ petition was the sole candidate, who appeared. The Selection Committee which consisted of the following persons:-

1.Prof.Gurmeet Singh,
Vice-Chancellor,
Pondicherry University. (Chairman)

2. Prof.K.Tharanikkarasu,
Director of Studies, Educational Innovation & Rural
Reconstructions,
Pondicherry. (Director)



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3. Dr.Vandana Khushalani,
(Former Principal, Dayanand Arya Kanya Mahavidyalaya)
129, Kukreja Nagar,
Jaripatka, Nagpur – 440014,
Maharashtra.
(Visitor's Nominee)
(Attended through online)
4. Prof.Surinder Singh Jodhka,
Professor, Centre for the Study of Social Systems,
Jawaharlal Nehru University,
New Delhi – 110 067.
(Expert)
(Attended through online)
5. Dr.V.Mangaiyarkarasi,
Professor & Head
Department of Sports Management &
Sports Psychology & Sociology,
Tamil Nadu Physical Education and Sports University,
Melakottaiyur, Chennai 600127. (Expert)
SC/ST & Women Representative
(Attended through online)
6. Prof.Arvinde A.Ansari
Honorary Director,
Centre for the Study of Social Exclusion and Inclusive Policy,
Jamia Millia Islamia, New Delhi – 110025. (Expert)
(Attended through online)
7. Prof.Rajeev Jain,
Officer-on-Special Duty (CC&R),
Pondicherry University. (Special Invitee)
8. Prof.B.B.Mohanty,
Dean, School of Social Sciences & International Studies,
Pondicherry University. (Dean)
9. Dr.Binu Zachariah,
Associate Professor,



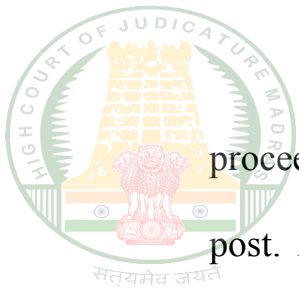
Department of English,
Pondicherry University.

(PH/OBC/Minority Representative)

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met on 21.11.2022 and found that the petitioner in the writ petition was not suitable. It is this conclusion that was challenged. The challenge was mainly on the ground that the guidelines of the UGC were not followed in constitution of the Selection Committee, some of the members of the Selection committee did not attend the meeting but, they had signed the minutes and the entire exercise by the Selection Committee was an eye wash. It was also contended that this post, which is exclusively reserved for Scheduled Caste has been kept vacant since 2009, for more than 10 years.

5. The learned single Judge, after elaborately examining the position of law relating to the reservations and implementation of the reservations concluded that it was depressing to note that the post meant for a Scheduled Caste candidate has not been filled up by a Central University for more than 13 years. The learned single Judge also after examining the original records found that some of the members, who had not participated in the meeting on 21.11.2022 had chosen to sign the minutes. This, the learned Judge found highly irregular. On the said findings, the learned single Judge set aside the conclusions that the petitioner in the writ petition was not suitable and



proceeded further to issue a mandamus to appoint the petitioner to the said post. Aggrieved, the University is on appeal.

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6. We have heard Mr.V.Chandrasekaran, learned counsel for the University and Mrs.Dakshayini Reddy, learned Senior Counsel appearing for the respondent / petitioner in the writ petition.

7. Mr.V.Chandrasekaran, learned counsel appearing for the University would submit that there were about nine members, who formed the Selection Committee, out of which, four attended through online and the resolution was unanimous. He would add that the members, who attended online had affirmed their concurrence to the resolution subsequently, during the month of February 2023. Therefore, the conclusion of the learned Judge that the members of the Selection Committee who had not participated in the meeting had signed the minutes is incorrect. He would also submit that it is for the Selection Committee to decide on the suitability of the candidate and once the Selection Committee, which consisted of subject experts finds that the candidate is not suitable, even if the procedure is flawed, the Court cannot grant a mandamus directing appointment. If the Court finds that the procedure for selection has not been followed in its letter and spirit or that

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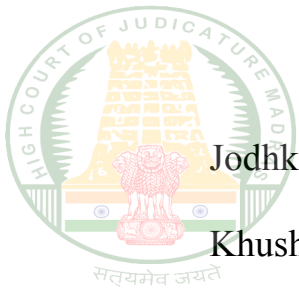


there were some flaws, the Court could only set aside the non-selection or selection as the case may be and direct the University or the employer concerned to re-do the exercise.

8. Contending contra, Mrs.Dhakshayini Reddy, learned Senior Counsel appearing for the respondents would submit that there has been a designed exclusion of Scheduled Caste candidates from being appointed as Professors in the University. According to her, the learned single Judge has rightly found that the non-filling of the post reserved for a SC candidate for nearly 13 years from the year 2009-2022 would show that there is a clear attempt to keep them at bay. She would further point out that the constitution of the Selection Committee itself was flawed. Her objection was to the presence of Dr.V.Mangaiyarkarasi, Professor & Head of the Department of Sports Management in the Tamil Nadu Physical Education and Sports University as a subject expert.

9. We had required the learned counsel for the University to produce the original files and we have gone through the files, particularly, the proceedings of the Selection Committee. We find therefrom that out of the nine members, the three Expert members namely, Prof.Surinder Singh

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Jodhka, Dr.V.Mangaiyarkarasi & Prof.Arvinde A.Ansari and Dr.Vandana

Khushalani, Visitor's Nominee attended the meeting through online. This

being disputed by the petitioner. He would claim that Dr.V.Mangaiyarkarasi, an expert, was not at all present either physically or online. Sitting under Article 226, we do not think, we can get into the factual situation. As per the records, it is seen that she had attended the meeting online. Subsequently, during February, 2023, to be precise, on 23.02.2023, E-mails have been sent to those members and they have also affirmed the minutes dated 21.11.2022.

10. The learned single Judge has come to the conclusion that two of the members were not present. We are unable to find any basis for the said conclusion of the learned single Judge in the records that have been placed before us. With the development of technology, it is not uncommon for members to participate virtually and wherever there is a virtual participation, confirmation of the minutes are obtained later. We hasten to add that the confirmations were obtained in February, 2023 i.e., almost three months after the original Selection Committee meeting creates a cloud over the very meeting of the Selection Committee.

11. In fact, the petitioner was not informed of his non-selection. He



had to move this Court seeking a mandamus directing the respondents to publish the result of the interview held on 21.11.2022 and only after this Court passed an order on 11.12.2023, did the University chose to inform him that he was not found suitable by the Selection Committee. It is also the further contention of Mrs.Dhakshayini Reddy that the language of the resolution of the Selection Committee itself is not convincing.

12. She would draw us to the following paragraph in the minutes of the Selection Committee:-

*“The Selection Committee, after having carefully scrutinised the application and other academic documents of the candidate who appeared for interview and on the basis of the overall merit of the candidate in terms of their academic background, research performance, quality of publications, assessment of their domain knowledge, teaching skills and interview performance, **recommends the following for ONE post of Professor (Tenure Post Co-Terminus with the UGC Scheme) in the Centre for Study of Social Exclusion and Inclusive Policy (Reserved for SC) of the University: None found suitable.**”*

13. Picking on the language, Mrs.Dhakshayini Reddy would submit
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that the whole thing appears to be murky. While the paragraph extracted above states that the Selection Committee recommends the following for ONE post of Professor, beneath the said paragraph, the words “none found suitable” are hand written. Therefore, according to her, the entire process was vitiated by non-application of mind. We have considered the rival submissions.

14. After hearing the appeal for sometime, we had required Mr.V.Chandrasekaran, learned counsel for the University to demonstrate that the Selection Committee has been constituted as per the directions of the UGC. Paragraph 5.1-III extracted above required three experts in the subject to be nominated by the Vice Chancellor out of the panel of names approved by the relevant statutory body of the University concerned. When queried, as to whether the three experts namely, Prof.Surinder Singh Jodhka, Dr.V.Mangaiyarkarasi and Prof.Arvinnder A.Ansari were picked from the list of subject experts approved by the relevant statutory body of University, Mr.V.Chandrasekaran is forced to concede that it was not done. He would also point out that the Head of the Department as required under Clause-V was not a member of the Committee as he was below the rank of the Officer. The quorum for the meeting of the Committee as set out in Clause-B

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extracted supra is at least four members including two outside subject experts therefore, the presence of two outside subject experts nominated under Sub-clause- III becomes mandatory. If the nomination of the subject experts is flawed then, the constitution of the very committee becomes questionable.

15. We therefore do not find any necessity to go into the other issues as to whether some of the members participated or not. Once it is found that the constitution of the Committee itself is flawed then, the non-selection of the petitioner in the writ petition has to be essentially set aside. While sharing the anguish expressed by the learned Judge, at a deliberate attempt being made to keep out Scheduled Caste candidates from the post of Professors in the University, that too, a Central University, of which, the President of India happens to be the visitor, we are unable to affirm the conclusion of the learned Judge regarding the non-participation of the some of the members in the meeting held on 21.11.2022. The minutes that has been produced before us shows that the four members of the Committee had attended virtually and it is also shown that they had affirmed the minutes by separate E-mail communications in February, 2023. Since the composition of the Committee itself was flawed, the non-selection of the petitioner has to

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be necessarily set aside.

WEB COPY 16. The next question that needs to be answered is as to whether the learned single Judge who was right in issuing of mandamus directing appointment of the petitioner. We are afraid that we cannot sustained the mandamus issued. No doubt, Mrs.Dhakshayini Reddy, learned counsel for the respondent who seek to rely upon the judgment of the Division Bench of this Court in ***Government of Tamil Nadu Vs. Sri Nandha Educational Trust*** reported in (2005) 4 LW 593 and the judgment of the Hon'ble Supreme Court in ***Comptroller and Auditor-General of India Vs. K.S.Jagannathan and Another*** reported in (1986) 2 SCC 679 to convince us that the powers under Article 226 are wide enough and would enable the High Court to issue a mandamus or direction.

17. We find that both the cases are factually distinguishable. While the issue in Sri Nandha Educational Trust was as to the grant of no objection certificate, the issue in Comptroller and Audit General Vs. K.S.Jagannathan was with reference to exemption from obtaining a qualifying mark. Of course, the Hon'ble Supreme Court in K.S.Jagannathan had observed that the powers of the High Courts under Article 226 are very wide, we do not think,

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such power would include a power to issue a mandamus directing a University to employ a particular person thereby, substituting itself in the place of the employer. We are therefore, unable to sustain the direction issued by the learned Judge, particularly, the mandamus directing the appointment of the writ petitioner as a Professor.

18. In the light of the above, this Writ Appeal will stand **partly allowed**, the order of the learned single Judge setting aside the selection is confirmed. The mandamus issued to appoint the petitioner alone is set aside with a direction to the University to constitute a Selection Committee strictly in terms of paragraph 5.1-III of the UGC's regulations and conduct a fresh interview for the petitioner alone and decide on his suitability. The said exercise shall be carried out within a period of twelve weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

(R.S.M., J.) (K.S., J.)
16.07.2025

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To:-

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University Grant Commission,
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New Delhi – 100 002.
- 2.The Secretary,
Union of India,
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R.SUBRAMANIAN, J.
and
K.SURENDER, J.

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