



2025:KER:6869

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE N.NAGARESH

THURSDAY, THE 30TH DAY OF JANUARY 2025 / 10TH MAGHA, 1946

WP(C) NO. 43934 OF 2023

PETITIONER:

DR. K.B BINDU
AGED 43 YEARS
D/O. K.S. BALAN, CURRENTLY WORKING AS ASSISTANT
PROFESSOR (ON CONTRACT), DEPARTMENT OF GEOGRAPHY,
KANNUR UNIVERSITY, SWAMY ANANDATHEERTHA CAMPUS,
KANNUR EDAT P.O., KANNUR DISTRICT, PIN - 670327

BY ADVS.
NISHA GEORGE
GEORGE POONTHOTTAM (SR.)
KAVYA VARMA M. M.

RESPONDENTS:

- 1 THE KANNUR UNIVERSITY
CIVIL STATION, THAVAKKARA P.O.,
KANNUR, PIN - 670001
- 2 THE SELECTION COMMITTEE FOR THE POST OF ASSISTANT
PROFESSOR, (GEOGRAPHY),
KANNUR UNIVERSITY, CIVIL STATION, THAVAKKARA P.O.,
KANNUR, REPRESENTED BY THE CHAIRMAN, PIN - 670001
- 3 PROFESSOR SACHIDANANDA SINHA
CENTER FOR THE STUDY OF REGIONAL DEVELOPMENT,
SCHOOL OF SOCIAL SCIENCE, JAWAHAR LAL NEHRU UNIVERSITY,
NEW DELHI, PIN - 110067



W.P.(C) No.43934/2023 & 792/2024

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* 4 DR. SUDEEP T.P
ASSISTANT PROFESSOR, DEPARTMENT OF GEOGRAPHY,
KANNUR UNIVERSITY, RESIDING AT THEKKAYIL
PARAMBATH HOUSE, PALAYAD NADA, VADAKARA,
KOZHIKKODE DISTRICT, PIN-673521.

(ADDRESS OF THE 4TH RESPONDENT IS SUBSTITUTED AS:
DR. SUDEEP T.P., CURRENTLY WORKING AS ASSISTANT
PROFESSOR, DEPARTMENT OF GEOGRAPHY, GOVERNMENT
COLLEGE, CHITTUR, CHITTUR COLLEGE P.O.,
AMBATTUPALAYAM, PALAKKAD-678104, RESIDING AT
THEKKAYIL PARAMBATH HOUSE, PALAYAD NADA,
VADAKARA, KOZHIKKODE DISTRICT - 673521, AS PER
ORDER DATED 08.01.2024 IN I.A.1/2024 IN
WP(C) 43934/2023)

BY ADVS.

I.V. PRAMOD, SC
ARUNIMA.T.S.
N.N.SUGUNAPALAN (SR)
K.V.BHADRA KUMARI

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 27.01.2025, ALONG WITH WP(C).792/2024, THE COURT ON
30.01.2025 DELIVERED THE FOLLOWING:



W.P.(C) No.43934/2023 & 792/2024

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE N.NAGARESH

THURSDAY, THE 30TH DAY OF JANUARY 2025 / 10TH MAGHA, 1946

WP(C) NO. 792 OF 2024

PETITIONER:

DR. JINCY P.P.
AGED 30 YEARS
D/O UNNI P.P.,
RESIDING AT PEEDAMPARAMMAL HOUSE,
ERAVANNUR P.O., NARIKKUNI (VIA),
KOZHIKODE- 673585;
CURRENTLY WORKING AS SENIOR RESEARCH FELLOW
(CONTRACT BASIS), DEPARTMENT OF GEOGRAPHY,
GOVERNMENT COLLEGE CHITTUR,
PALAKKAD, PIN - 678104

BY ADVS.
NISHA GEORGE
GEORGE POONTHOTTAM (SR.)
KAVYA VARMA M. M.

RESPONDENTS:

- 1 THE KANNUR UNIVERSITY
CIVIL STATION, THAVAKKARA P.O.,
KANNUR - 670001,
REPRESENTED BY THE REGISTRAR, PIN - 670001



W.P.(C) No.43934/2023 & 792/2024

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- 2 THE SELECTION COMMITTEE FOR THE POST OF ASSISTANT
PROFESSOR
(GEOGRAPHY), KANNUR UNIVERSITY, CIVIL STATION,
THAVAKKARA P.O., KANNUR - 670001,
REPRESENTED BY THE CHAIRMAN, PIN - 670001
- 3 BALAKRISHNAN P
ASSISTANT PROFESSOR, DEPARTMENT OF GEOGRAPHY,
KANNUR UNIVERSITY, SAT CAMPUS, PAYYANNUR,
EDAT P.O., KANNUR DISTRICT, PIN - 670327

BY ADVS.
SUJIN S
I.V. PRAMOD, SC
KEERTHI M. (K/840/2019)
ARJUN RAJA P.C. (K/843/2019)

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR
ADMISSION ON 27.01.2025, ALONG WITH WP(C).43934/2023, THE
COURT ON 30.01.2025 DELIVERED THE FOLLOWING:



W.P.(C) No.43934/2023 & 792/2024

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CR**N. NAGARESH, J.**.....
W.P.(C) No.43934 of 2023 and 792 of 2024
.....*Dated this the 30th day of January, 2025***J U D G M E N T**

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Petitioners in both these writ petitions are applicants for selection to the post of Assistant Professor (Geography) in the 1st respondent-Kannur University. They seek to declare that constitution of the Selection Committee, substitution of the Chairman of the Selection Committee and all further actions thereafter, are opposed to law and that the process of selection is bad in law.

2. The 1st respondent-Kannur University issued Ext.P1 Notification inviting applications to fill up two posts of Assistant



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Professor (Geography), out of which one post is in the OC Category and the other post is in the SC Category. In response to Ext.P1 Notification dated 15.06.2022, the petitioner in W.P. (C) No.43934/2023 applied for the said post in OC Category. The petitioner in W.P.(C) No.792/2024 applied for in SC Category.

3. Thereafter, on 29.07.2023, the University issued Ext.P2 Notification dated 29.07.2023 for appointment to the post of Assistant Professor (Project Mode Programmes) on tenure basis for a period of five years. In Ext.P2, two posts of Assistant Professor (Geography) were notified out of which one post was in OC Category. The petitioner in W.P.(C) No.43934/2023 gave applications in response to Ext.P2 Notification also.

4. The petitioners submit that a joint interview was conducted for selection for appointment as Assistant Professor on regular basis as well as selection for appointment on tenure basis. The petitioners were called for interview which was



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scheduled to be held on 29.11.2023 and 30.11.2023. The petitioners state that as per Clause 5.1 of the UGC Regulations, 2018, the Selection Committee for appointment to the post of Assistant Professor consists of the Vice Chancellor or his nominee having at least ten years of experience as Professor, who will be the Chairman of the Committee, an academician nominated by the visitor/Chancellor, three experts in the subjects nominated by the Vice Chancellor, Dean of the faculty concerned, Head/Chairperson of the Department/School concerned and an academician representing SC/ST/OBC/Minority/Women/ Differently-abled categories to be nominated by the Vice Chancellor. Four members including two outside subject experts shall constitute the quorum.

5. The interview was started with the Vice Chancellor as the Chairman of the Selection Committee on 29.11.2023 and continued on 30.11.2023. But, before starting the interview on 30.11.2023, the Hon'ble Apex Court in ***Dr. Premachandran Keezhoth and another v. Chancellor, Kannur University***



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and others [2023 SCC OnLine SC 1592] held that appointment of the Vice Chancellor is vitiated. The Vice Chancellor thereupon nominated a Professor of the 1st respondent-University to chair the Selection Committee. The petitioners state that the midway reconstitution of the Selection Committee is impermissible. There cannot be adhoc arrangements and if the Selection Committee cannot continue or complete the selection process, then the entire process is required to be done afresh.

6. In spite of the illegality in the selection proceedings, the ranklist prepared by the Selection Committee was placed before the meeting of the syndicate held on 12.12.2023 and the Syndicate as per Ext.P3 minutes decided to approve the score sheet. Consequently, Ext.P4 ranklist dated 19.12.2023 was published. Ext.P5 ranklist was also published on the same day for the tenure posts.

7. The petitioner in W.P.(C) No.43934/2023 would contend that apart from the illegality of reconstituting the



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Selection Committee during the course of the interview, the selection is vitiated by bias also. The 3rd respondent in W.P.(C) No.43934/2023 was the supervisor of the 4th respondent, while the 4th respondent did his research in Jawaharlal Nehru University, as can be seen from Ext.P6 Certificate. The 3rd respondent participated in the interview on both days and he had awarded marks in favour of the 4th respondent. To make the selection process free from bias, the 3rd respondent ought to have recused from the Selection Committee.

8. Aggrieved by the illegal selection process, the petitioner filed Ext.P7 representation to the Vice Chancellor. The petitioner submitted before the Vice Chancellor that the 4th respondent, who is the selected candidate may not be allowed to join service. The petitioner reiterated that the proceedings leading to Ext.P4 Notification dated 19.12.2023 publishing provisional rank list of candidates for selection to the post of Assistant Professor in the Department of Geography is illegal and is liable to be set aside.



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9. Respondents 1 and 2 opposed the writ petitions filing Statement dated 03.04.2024. Respondents 1 and 2 submitted that the substituted Chairperson of the Selection Committee has more than ten years of experience as Professor and satisfies the qualification for functioning as Chairman of the Selection Committee. The substitution was made on 29.11.2023 due to the disability of the Vice Chancellor to chair the Selection Committee on 30.11.2023 due to health reasons. The substitution was made while the incumbent Vice Chancellor Professor Gopinath Ravindran was in office as Vice Chancellor.

10. There was no change in the constitution of the Selection Committee, except the Chairperson. Decisions taken by the Vice Chancellor cannot be invalidated because of the setting aside of the reappointment of the Vice Chancellor by the Hon'ble Supreme Court. The Selection Committee was constituted/substituted with due regard to the UGC Regulations, 2018.



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11. The 3rd respondent filed a counter affidavit. The 3rd respondent stated that he did not know about the 4th respondent and as to who are all attending the interview. Therefore, he could not have recused from the Selection Committee. The 3rd respondent has always maintained the highest standards of personal and professional integrity. It is totally incorrect to state that by the inclusion of the 3rd respondent and his participation in the selection process, the selection process is vitiated by bias. The Selection Committee consists of seven members out of which three were subject experts from three different Universities. Therefore, the 3rd respondent could not have influenced the decision of the seven member Committee.

12. The 4th respondent also filed a counter affidavit. The 4th respondent stated that it is unfounded to contend that if the Selection Committee cannot continue or complete the selection process, the entire process is required to be done afresh. The interview was held on 30.11.2023. But, the petitioner raised the



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issue of alleged illegality only on 21.12.2023 after publishing Ext.P4 ranklist. The very same Selection Committee had conducted selection to the tenure post, wherein the petitioner is the first rank holder. The 4th respondent emphatically denied the allegation that the selection is vitiated by bias.

13. The petitioner in W.P.(C) No.792/2024 also impugned the selection process. The reconstitution of the Committee, during midway of the interview is bad in law. The Selection Committee was constituted to suit the convenience of the Vice Chancellor. The impugned selection proceedings has caused favoritism, resulting in the selection and appointment of the 3rd respondent to the post of Assistant Professor (Geography).

14. The counsel for the 4th respondent in W.P.(C) No.43934/2023 relied on the judgment of a Division Bench of this Court in ***Manager, St. Mary's HS v. Beji Abraham [2002 (1) KLT 406]*** to contend that the right of appointees would not be taken away, even by a subsequent finding that the



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appointment was made by an incompetent Manager. The counsel also relied on the Division Bench judgment of this Court in ***Manager, Malankara Syrian Catholic Colleges and others v. Dr. Reshmi P.R. and others*** [2022 (5) KLT 592] and argued that the fact that selected candidate has worked under the HoD of the Department would not automatically lead to a conclusion that there would be bias.

15. I have heard the learned counsel for the petitioners, the learned Standing Counsel appearing for the University and the learned Senior Counsel assisted by the counsel appearing for the contesting respondents.

16. The University published Ext.P1 Notification dated 15.06.2022 for appointment to the regular post of Assistant Professor (Geography). Soon thereafter, the University published Ext.P2 Notification dated 29.07.2023 inviting applications from eligible candidates for appointment to the post of Assistant Professor (Geography) on tenure basis for a period of 5 years. Interview for both the categories was held together



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on 29.11.2023 and 30.11.2023.

17. The petitioners would contend that in view of the judgment of the Hon'ble Apex Court dated 30.11.2023 in **Dr. Premachandran Keezhoth** (supra), the Vice Chancellor nominated a Professor of the University to chair the Selection Committee, in his place. The midway reconstitution of the Selection Committee is illegal and arbitrary. Ext.P4 ranklist was published for appointment to the post of Assistant Professor on regular basis wherein the 4th respondent was given first rank.

18. The petitioners would further contend that the selection of the 4th respondent is vitiated by bias for the reason that the 3rd respondent who was a part of the Selection Committee, was Supervisor of the 4th respondent when the 4th respondent did his research in Jawaharlal Nehru University.

19. Question arises whether conducting common interview for selection to the post of Assistant Professor on regular basis and on tenure basis is legally permissible. Though the petitioners would submit that the yardstick and



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method of recruitment for a regular post and tenure post is always different and therefore a common interview by itself is wrong, I cannot agree with the said proposition for the reason that selection under both the Notifications is to the same post of Assistant Professor, though appointment are made on different conditions of service. The educational qualification prescribed for appointment to the post on regular basis and tenure basis is the same. The nature of work expected from persons selected under both the category is also more or less the same. The Selection Committee consists of the Vice Chancellor or his nominee Professor with ten years experience, an academician not below the rank of Professor nominated by the Visitor/Chancellor, three experts in the subjects concerned, Dean of the Faculty, Head/Chairperson of the Department/School concerned and an academician representing SC/ST/OBC/Minority/Women/Differently-abled categories. The Selection Committee being an expert body and the selection being to the posts of Assistant Professor, though



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on different conditions of service, I do not find any illegality in conducting common interview for selection to the posts.

20. The further issue is regarding change of the constitution of the Selection Committee during the progress of the interview proceedings. The interview was conducted on 29.11.2023 by a Selection Committee presided over by the Vice Chancellor. However, in the interview proceedings continued on 30.11.2023, the Chairman substituted himself by appointing a Professor as the Chairman of the Selection Committee. When Notification is for recruitment to a limited number of posts of Assistant Professor, reconstitution of the Selection Committee in the midway of the interview proceedings would cause injustice to the candidates appearing in the interview. It would also raise concerns of motive behind the reconstitution of the Committee. If the Vice Chancellor had any personal or other difficulty in presiding over the Selection Committee proceedings on 30.11.2023, it would have been appropriate to cancel the interview proceedings already held in part and



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subject all the candidates to appear in a fresh interview proceedings by the reconstituted Committee. The reconstitution of the Selection Committee during the middle of the interview proceedings is highly illegal and arbitrary. Any selection made pursuant thereto cannot stand the scrutiny of law.

21. The petitioner in W.P.(C) No.43934/2023 has a further grievance that inclusion of the 3rd respondent in the Selection Committee would vitiate the selection due to bias towards the 4th respondent because the 4th respondent was Supervisor of the 4th respondent who was ranked No.1 in the selection process. The mere fact that the 3rd respondent was the Supervisor of the petitioner while the petitioner was studying in the Jawaharlal Nehru University by itself will not vitiate the selection proceedings. Ext.P6 Certificate produced by the petitioner in W.P.(C) No.43934/2023 would only indicate that the dissertation work of the 4th respondent was forwarded by the 3rd respondent, who was Supervisor of the dissertation



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work. That by itself cannot vitiate the selection proceedings by bias.

22. For the afore reasons, I find that the selection proceedings impugned in these writ petitions are liable to be set aside. Ext.P4 provisional ranklist dated 19.12.2023 in W.P.(C) No.43934/2023 (Ext.P5 in W.P.(C) No.792/2024) and Ext.P4 Minutes of the meeting of the Syndicate held on 12.12.2023 (in W.P.(C) No.792/2024) in so far as it approves the score sheet of the Selection Committee, are set aside. The respondents are directed to conduct selection afresh to the post of Assistant Professor notified under Exts.P1 and P2 Notifications in W.P.(C) No.43934/2023.

The writ petitions are disposed of as above.

Sd/-

N. NAGARESH, JUDGE

aks/27.01.2025



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APPENDIX OF WP(C) 792/2024

PETITIONER'S EXHIBITS

- Exhibit-P1 TRUE COPY OF THE NOTIFICATION NO. ACAD B3/23389/2019 DATED 15.06.2022, FOR THE REGULAR POST OF ASSISTANT PROFESSOR, GEOGRAPHY, PRESCRIBING ELIGIBILITY AND QUALIFICATION, ISSUED BY THE 1ST RESPONDENT UNIVERSITY
- Exhibit-P2 TRUE COPY OF THE APPLICATION FOR THE POST OF ASSISTANT PROFESSOR, GEOGRAPHY SUBMITTED BY THE PETITIONER ON 13.07.2022
- Exhibit-P3 A COPY OF THE E-MAIL COMMUNICATION DATED 28.11.2023, INVITING THE PETITIONER FOR THE INTERVIEW ON 30.11.2023, SENT BY THE ASSISTANT REGISTRAR, KANNUR UNIVERSITY
- Exhibit-P4 A COPY OF THE RELEVANT PAGES OF THE MINUTES OF THE MEETING OF THE SYNDICATE HELD ON 12.12.2023
- Exhibit-P5 TRUE COPY OF THE PROVISIONAL RANK LIST BEARING NOTIFICATION NO. AD B/AD-B1/24235/2023 DATED 19.12.2023 ISSUED BY THE 1ST RESPONDENT UNIVERSITY.
- Exhibit-P6 A COPY OF THE REPRESENTATION DATED 27.12.2023 SUBMITTED TO THE CHANCELLOR OF THE 1ST RESPONDENT UNIVERSITY, THROUGH E-MAIL,
- Exhibit-P7 A COPY OF THE REPRESENTATION DATED 26.12.2023 SUBMITTED TO THE VICE-CHANCELLOR OF THE 1ST RESPONDENT UNIVERSITY, THROUGH E-MAIL



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Exhibit-P8 TRUE COPY OF THE INTERIM ORDER DATED
22.12.2023 PASSED BY THIS HON'BLE COURT
IN W.P(C) NO. 43934 OF 2023

RESPONDENT'S EXHIBITS

EXHIBIT R3(a) True Copy of the Application submitted
under Right to Information Act, 2005

EXHIBIT R3(b) True Copy of the Reply dated 30/03/2024
furnished under Right to Information
Act, 2005 along with documents

EXHIBIT R3(c) True Copy of the Appointment Letter
dated 15/02/2024 issued to the 3rd
respondent by 1st respondent University



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APPENDIX OF WP(C) 43934/2023**PETITIONER EXHIBITS**

- Exhibit-P1** A COPY OF THE NOTIFICATION NO.ACAD B3/23389/2019 ISSUED ON 15.06.2022, FOR THE REGULAR POST OF ASSISTANT PROFESSOR, GEOGRAPHY, PRESCRIBING ELIGIBILITY AND QUALIFICATION, ISSUED BY THE 1ST RESPONDENT UNIVERSITY.
- Exhibit-P2** A COPY OF THE NOTIFICATION NO.ACAD/ACAD F3/7018/2023 DATED 29.07.2023 ISSUED BY THE 1ST RESPONDENT UNIVERSITY.
- Exhibit-P3** A COPY OF THE RELEVANT PAGES OF THE MINUTES OF THE MEETING OF THE SYNDICATE HELD ON 12.12.2023.
- Exhibit-P4** A TRUE COPY OF THE RANKED LIST BEARING NOTIFICATION NO.AD B/AD-B1/24235/2023 DATED 19.12.2023 ISSUED BY THE 1ST RESPONDENT UNIVERSITY.
- Exhibit-P5** TRUE COPY OF THE RANK LIST BEARING NO.ACAD/ACAD F2/9812/ 2023 DATED 19.12.2023 ISSUED BY THE 1ST RESPONDENT UNIVERSITY.
- Exhibit-P6** TRUE COPY OF THE CERTIFICATE ISSUED DATED NIL WHICH IS OBTAINED FROM THE JAWAHARLAL NEHRU UNIVERSITY WEBSITE.
- Exhibit-P7** A COPY OF THE REPRESENTATION DATED 21.12.2023 SUBMITTED BY THE PETITIONER TO THE VICE CHANCELLOR OF THE RESPONDENT UNIVERSITY THROUGH E-MAIL, ALONG WITH ACKNOWLEDGEMENT RECEIPT,