



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 25TH DAY OF APRIL, 2026

BEFORE

THE HON'BLE MR. JUSTICE S.R.KRISHNA KUMAR

WRIT PETITION NO. 431 OF 2026 (S-RES)

BETWEEN:

DR ANASUYA M KADAM
D/O MALLIKARJUN KADAM
AGED ABOUT 50 YEARS
124, MUNESHWARA ROAD
CHALLAGHATTA, KUMBALAGODU POST]
Kengeri Hobli
BENGALURU – 560 060.
PERMANENT ADDRESS
R/O KURKUNTA- 585 238
SEDAM TALUK
GULBARGA DISTRICT.

...PETITIONER

(BY SRI. S.P. KULKARNI, SENIOR COUNSEL APPEARING FOR
SRI. PAVAN KUMAR YARAGANAVI, ADVOCATE)

AND:

1. THE BENGALURU UNIVERSITY
JANA BHARATHI
BENGALURU – 560 056.
REPTD BY ITS REGISTRAR.
2. THE STATE OF KARNATAKA
DEPARTMENT OF HIGHER EDUCATION
REPRESENTED BY ITS SECRETARY
MS BUILDING
AMBEDKAR VEEDHI
BENGALURU – 580 001.
3. THE SYNDICATE BODY
BENGALURU UNIVERSITY GNANABHARATHI
BENGALURU 560 056.
REPTD BY ITS VICE CHANCELLOR.





4. DR S P SHRIMATHI
AGE MAJOR
PROPOSED CANDIDATE FOR THE
POST OF LECTURER (ASST.PROFESSOR)
DEPARTMENT WOMENS STUDIES
BENGALURU UNIVERSITY
BENGALURU – 560 056.

...RESPONDENTS

(BY SRI. PRAMOD B.,ADVOCATE FOR R-1 & R-3
SRI. G. RAMESH NAIK, AGA FOR R-2
SRI. JAYAKUMAR.S.PATIL, SENIOR COUNSEL APPEARING FOR
SRI. K. GOVINDARAJ, ADVOCATE FOR R-4)

THIS W.P. IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO CALL FOR THE RECORDS PERTAINING TO THE SELECTION TO THE POST OF LECTURER IN THE DEPARTMENT OF WOMENS STUDIES, BENGALURU UNIVERSITY, BENGALURU, UNDER GM CATEGORY.QUASH THE RESOLUTION/DECISION OF THE SYNDICATE BODY OF THE BENGALURU UNIVERSITY, BENGALURU (RESPONDENT NO.2), DATED 16.12.2025 AT 11.00 AM MADE IN NO.SYN./S1/184/2025-26, INsofar AS IT RELATES TO SUBJECT NO. 5 OF THE MEETING, SELECTING THE 4TH RESPONDENT TO THE POST OF LECTURER DEPARTMENT OF WOMENS STUDIES, BENGALURU UNIVERSITY, BENGALURU, UNDER GM CATEGORY, BEING ARBITRARY, ERRONEOUS AND OPPOSED TO LAW, EQUITY AND JUSTICE. (ANNEXURE-K).

THIS PETITION, COMING ON FOR PRELIMINARY HEARING IN 'B' GROUP, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE S.R.KRISHNA KUMAR

ORAL ORDER

In this petition, petitioner seeks the following reliefs:

“ i) *Call for the records pertaining to the selection to the post of lecturer in the Department of Women's Studies, Bengaluru University, Bengaluru, under GM category.*



ii. Issue a writ of certiorari or any other writ or order or direction quashing the resolution / decision of the Syndicate Body of the Bengaluru University, Bengaluru (Respondent No.2), dated 16.12.2025 at 11:00 am made in No.SYN./S1/184/2025-26, insofar as it relates to subject No. 5 of the meeting, selecting the 4th respondent to the post of lecturer Department of Women's Studies, Bengaluru University, Bengaluru, under GM category, being arbitrary, erroneous and opposed to law, equity and justice. (Annexure-K)

iii. Direct the respondents herein to select and appoint the petitioner to the post of lecturer Department of Women's Studies, Bengaluru University, Bengaluru, under GM category, since the petitioner being the only eligible and qualified candidate in the selection process.

iv. Grant such other and further reliefs as this Hon'ble Court may deem fit in the interest of justice and equity."

2. A perusal of the material on record will indicate that on 14.10.2006, the respondent No.1-University issued a notification to fill up the post of a Lecturer to which the petitioner and respondent No.4 submitted applications and pursuant to the interview held on 24.04.2007, whilst the petitioner secured 29 marks, respondent



No.4 secured higher marks of 31. However, due to various litigations, which culminated before the Hon'ble Apex Court in SLP (Civil) No.1445/2023 dated 08.04.2025, whereby the judgment of the learned Single Judge dated 01.08.2014 in W.P.No.4966/2008 and connected matters, which was confirmed by the Hon'ble Division Bench in W.A.No.3180/2014 and connected matters dated 06.12.2022, the respondent quashed the earlier appointments and took necessary steps to conduct fresh selection as directed by this Court and confirmed by the Hon'ble Apex Court as stated supra. Accordingly, the respondent No.1-University conducted a fresh interview of all candidates including the petitioner and respondent No.4 on 06.09.2025 in which, whilst the petitioner secured 30 marks, respondent No.4 secured the highest number of 37 marks resulting in the respondent No.1 – University appointing respondent No.4 to the said post as per the impugned resolution of respondent No.3 - Syndicate dated 16.12.2025 selecting respondent No.4 to the post of a Lecturer, Department of Women's Studies, Bengaluru University, Bengaluru under the GM category. Aggrieved by the impugned resolution / decision at Annexure-K dated 16.12.2025,



passed by respondent Nos.1 and 3, petitioner is before this Court by way of the present petition.

3. Heard Sri.S.P.Kulkarni, learned Senior Counsel appearing for the petitioner and Sri.Jayakumar S. Patil, learned Senior Counsel for respondent No.4, learned counsel for respondent Nos.1 and 3 and learned AGA for respondent No.2 and perused the material on record.

4. In addition to reiterating the various contentions urged in the petition and referring to the material on record, learned Senior Counsel for the petitioner submits that the petitioner had completed her Ph.D Degree in 2003, while respondent No.4 had completed Ph.D Degree in 2004 and respondent Nos.1 and 3, who have awarded 4 marks to the petitioner towards the head 'Teaching Experience' could not have awarded 9 marks to the respondent No.4, who was not entitled to higher marks than the petitioner. It was submitted that though respondent No.4 contends that she had teaching experience from 1999 onwards and that she was accordingly given 9 marks towards 'Teaching Experience', which was correct and proper, in the absence of respondent No.4 completing her NET or M.Phil Exam in 2004, which is the minimum



qualification as prescribed by UGC, the respondent No.4 was not entitled to 9 marks awarded to her and as such, her selection deserves to be set aside and the petitioner be selected for the said post. It was further submitted that the petitioner did not receive an interview notice to attend the interview conducted on 06.09.2025 and she was informed over Telephone and attended the interview in which there was favoritism by respondent Nos.1 and 3, who awarded more marks towards interview performance than the petitioner and the impugned selection of respondent No.4 deserves to be set aside on this ground also.

5. In support of his submissions, learned Senior Counsel for the petitioner has relied upon the following judgments:

i) Ludhiana Central Cooperative Bank Ltd. Vs. Amrik Singh and Others – (2003) 10 SCC 136

ii) Inder Parkash Gupta Vs. State of J & K & Others – (2004) 6 SCC 786

iii) Dr. J.P.Kulshrestha & Ors. Vs. Chancellor, Allahabad University & Others – AIR 1980 SC 2141

iv) Dr. S.P. Kapoor Vs. State of H.P. – AIR 1981 SUPREME COURT 2181



v) Bahadursinh Lakkhubhai Gohil Vs. Jagdishbhai M Kamalia & Ors – (2004) 2 Supreme Court Cases 65

vi) Inderpreet Singh Kahlon and Ors Vs. State of Punjab & Ors – AIR 2006 Supreme Court 2571

6. Per contra, learned Senior Counsel for respondent No.4 as well as learned counsel for respondent Nos.1 and 3 – University would reiterate the various contentions urged in their respective statements of objections and would submit in unison that the respondent No.4 was more qualified and was correctly and properly awarded marks taking into account all parameters and her impugned selection does not warrant interference in the present petition which is liable to be dismissed.

7. In support of their contentions, learned Senior Counsel for respondent No.4 has relied upon the following judgments:

i) The University of Mysore Vs. C.D. Govinda Rao and another – AIR 1965 SC 491

ii) Basavaiah Vs. Dr. H.L. Ramesh and others With Manjunath Vs. Dr. H.L. Ramesh and others – 2010 8 SCC 372

iii) Dalpat Abasaheb Solunke and others Vs. Dr. B.S. Mahajan and others – 1990 1 SCC 305



iv) Madhan Lal and others Vs. State of J & K others – 1995 3 SCC 486.

v) Tajvir Singh Sodhi and others Vs. State of Jammu and Kashmir and Ors – (2023) 17 SCC 147

8. I have given my anxious consideration to the rival submissions and perused the material on record.

9. Before advertng to the rival contentions, it would be necessary to refer to the comparative marks analysis of both the petitioner and respondent No.4 in the first round of interviews held on 24.04.2007 and the second round of interviews held on 06.09.2025 as hereunder:

“5. Comparative Marks Analysis

Round 1 – Interview held on 24.04.2007:

Sl. No.	Name of Candidate	Cat.	Teaching Experience (Max: 15)	Research Publication (Max: 15)	Interview Performance (Max: 20)	Total (Max: 60)
3.	Dr. Anasuya M. Kadam	III-B	04	08	08	29
39.	Dr. S.P. Shrimathi	GM	09	05	08	31



Round 2 – Interview held on 06.09.2025:

Sl. No.	Name of Candidate	Cat.	Teaching Experience (Max: 15)	Research Publication (Max: 15)	Interview Performance (Max: 20)	Total (Max: 60)
01.	Dr. Anasuya M. Kadam	III-B	04	08	09	30
05.	Dr. S.P. Shrimathi	GM	09	05	14	37

10. As can be seen from the aforesaid tables, insofar as marks awarded towards Research Publications to both petitioner and respondent No.4 are concerned, both of them have been awarded 8 marks and 5 marks respectively in both the interviews held on 24.04.2007 and 06.09.2025 respectively; so also insofar as the marks awarded towards 'Teaching Experience' was concerned, both petitioner and respondent No.4 were awarded 4 marks and 9 marks in both the interviews; according to the petitioner, she would be entitled to 4 marks while respondent No.4 was entitled to only 3 marks; the said contention urged by the petitioner cannot be accepted in the light of the material on record, in particular, the documents produced by respondent Nos.1 and 4, viz., Ph.D notification dated 24.12.2003, Ph.D Convocation Certificate dated



05.01.2004, National Eligibility Test (NET) Certificate dated 14.12.2006, Teaching Experience of the respondent No.4 as evidenced by Annexure-R4 series, all relating to respondent No.4 which cumulatively establish that the respondent No.4 was correctly, legally and properly awarded 9 marks having regard to her Teaching Experience from 1999 onwards.

11. In this context, it is pertinent to note that as per the notification at Annexure-A dated 14.10.2006, the modified eligibility for the instant post of Lecturer prescribes that as per the UGC letter dated 14.06.2006, NET remained a compulsory requirement for appointment as Lecturer for those with Post Graduate Degree, but however, candidates having Ph.D Degree in the concerned subjects were exempted from NET for PG level and UG level teaching; as stated supra, respondent No.4 had completed Ph.D in 2003 and had also passed the NET test in December, 2005 as per the NET certificate issued by the UGC in her favour on 14.12.2006, which is sufficient to come to the conclusion that respondent No.4 possessed the minimum qualification apart from the fact that she had sufficient teaching experience which would entitle her 9 marks awarded in her favour by respondent Nos.1 and 3 and



consequently, the said contention urged by the petitioner cannot be accepted.

12. A perusal of the aforesaid comparative marks analysis will also indicate that as stated supra, it is the specific contention of the petitioner that respondent Nos.1 and 3 should have awarded only 4 marks to both petitioner and respondent No.4 (instead of 9 marks); as stated supra, apart from the fact that the respondent Nos.1 and 3 had correctly, legally and properly awarded 9 marks to respondent No.4 towards 'Teaching Experience', assuming that the same was reduced to 4 marks instead of 9 marks in favour of respondent No.4, her total marks would come to 32 marks (37-5), which would at any rate be higher / greater and in excess of 30 marks awarded in favour of the petitioner and consequently, the claim of the petitioner that she was entitled to be selected instead of respondent No.4 cannot be accepted and viewed from this angle also, the various contentions urged by the petitioner are liable to be rejected.

13. Insofar as the contention urged by the petitioner that the respondent Nos.1 and 3 had wrongly awarded 9 marks and 14 marks to the petitioner and respondent No.4 respectively towards



their performance in the interview which was vitiated on account of malafides and had been done in a hurried manner is concerned, in the absence of any material or legal or acceptable evidence placed by the petitioner in this regard, the said contention urged by the petitioner cannot be accepted. Further, the scope of judicial review/interference by this Court in a challenge to recruitment process is limited and ordinarily, this Court does not step into the shoes of Selection Committee nor assume appellate role to examine justiciability of marks awarded by the selection committee and assessment and evaluation of performance of candidates should be best left to the wisdom of the committee as held by the Hon'ble Apex Court and this Court in various judgments including the aforesaid judgments relied upon by the Respondents, in particular the recent judgment of the Hon'ble Apex Court in the case of **Tajvir Singh Sodhi's** case supra, wherein it is held as under:

***"Selection process for public employment :
Interference by courts***

31. Before proceeding further, it is necessary to preface our judgment with the view that courts in India generally avoid interfering in the selection process of public employment, recognising the importance of maintaining the autonomy and integrity of the selection process. The courts



recognise that the process of selection involves a high degree of expertise and discretion and that it is not appropriate for courts to substitute their judgment for that of a Selection Committee. It would be indeed, treading on thin ice for us if we were to venture into reviewing the decision of experts who form a part of a Selection Board. The law on the scope and extent of judicial review of a selection process and results thereof, may be understood on consideration of the following case law.

32. In Dalpat Abasaheb Solunke v. B.S. Mahajan,, this Court clarified the scope of judicial review of a selection process, in the following words : (SCC pp. 309-10, para 12)

“12. ... 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 scrutinise 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.”

33. In a similar vein, in Deptt. of Health & Family Welfare v. Anita Puri, this Court observed as under as regards the sanctity of a selection process and the grounds on which the results thereof may be interfered with : (SCC p. 287, para 9)

“9. ... It is too well settled that when a selection is made by an expert body like the Public Service Commission which is also advised by experts having technical experience and high



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academic qualification in the field for which the selection is to be made, the courts should be slow to interfere with the opinion expressed by experts unless allegations of mala fides are made and established. It would be prudent and safe for the courts to leave the decisions on such matters to the experts who are more familiar with the problems they face than the courts. If the expert body considers suitability of a candidate for a specified post after giving due consideration to all the relevant factors, then the court should not ordinarily interfere with such selection and evaluation.”

34. This position was reiterated by this Court in *M.V. Thimmaiah v. UPSC*, in the following words : (SCC pp. 131 & 135-36, paras 21 & 30)

“21. Now, comes the question with regard to the selection of the candidates. Normally, the recommendations of the Selection Committee cannot be challenged except on the ground of mala fides or serious violation of the statutory rules. The courts cannot sit as an appellate authority to examine the recommendations of the Selection Committee like the court of appeal. This discretion has been given to the Selection Committee only and courts rarely sit as a court of appeal to examine the selection of the candidates nor is the business of the court to examine each candidate and record its opinion. ...

30. We fail to understand how the Tribunal can sit as an appellate authority to call for the personal records and constitute Selection Committee to undertake this exercise. This power is not given to the Tribunal and it should be clearly understood that the assessment of the Selection Committee is not subject to appeal either before the Tribunal or by the courts. One has to give credit to the Selection Committee for making their assessment and it is not subject to appeal. Taking the overall view of ACRs of the candidates, one may be held to be very good and another may be held to be good. If this type of interference is permitted then it would virtually amount that the



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Tribunals and the High Courts have started sitting as Selection Committee or act as an appellate authority over the selection. It is not their domain, it should be clearly understood, as has been clearly held by this Court in a number of decisions.”

35.Om Prakash Poplai v. Delhi Stock Exchange Assn. Ltd., was a case where an appeal was filed before this Court challenging the selection of the members to the Delhi Stock Exchange on the ground that the Selection Committee formed for the aforesaid purpose, arbitrarily favoured some candidates and was thus, against Article 14. This Court rejected the allegation of favouritism and bias by holding as under : (SCC p. 123, para 5)

“5. ... the selection of members by the Expert Committee had to be done on the basis of an objective criteria taking into consideration experience, professional qualifications and similar related factors. In the present cases, we find that certain percentage of marks were allocated for each of these factors, namely, educational qualifications, experience, financial background and knowledge of the relevant laws and procedures pertaining to public issues, etc. Of the total marks allocated only 20% were reserved for interviews. Therefore, the process of selection by the Expert Committee was not left entirely to the sweet will of the members of that Committee. The area of play was limited to 20% and having regard to the fact that the members of the Expert Committee comprised of two members nominated by the Central Government it is difficult to accept the contention that they acted in an unreasonable or arbitrary fashion.”

36. Thus, the inexorable conclusion that can be drawn is that it is not within the domain of the courts, exercising the power of judicial review, to enter into the merits of a selection process, a task which is the prerogative of and is within the expert domain of a Selection Committee, subject of course to



a caveat that if there are proven allegations of malfeasance or violations of statutory rules, only in such cases of inherent arbitrariness, can the courts intervene.

37. Thus, courts while exercising the power of judicial review cannot step into the shoes of the Selection Committee or assume an appellate role to examine whether the marks awarded by the Selection Committee in the viva voce are excessive and not corresponding to their performance in such test. The assessment and evaluation of the performance of candidates appearing before the Selection Committee/Interview Board should be best left to the members of the committee. In light of the position that a Court cannot sit in appeal against the decision taken pursuant to a reasonably sound selection process, the following grounds raised by the writ petitioners, which are based on an attack of subjective criteria employed by the Selection Board/interview panel in assessing the suitability of candidates, namely, (i) that the candidates who had done their postgraduation had been awarded 10 marks and in the viva voce, such PG candidates had been granted either 18 marks or 20 marks out of 20; (ii) that although the writ petitioners had performed exceptionally well in the interview, the authorities had acted in an arbitrary manner while carrying out the selection process, would not hold any water.

38. The next aspect of the matter which requires consideration is the contention of the writ petitioners to the effect that the entire selection process was vitiated as the eligibility criteria enshrined in the advertisement notice dated



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5-5-2008 was recast vide a corrigendum dated 12-6-2009, without any justifiable reason. In order to consider this contention, regard may be had to the following case law:

38.1. In Manish Kumar Shahi v. State of Bihar, this Court authoritatively declared that having participated in a selection process without any protest, it would not be open to an unsuccessful candidate to challenge the selection criteria subsequently.

38.3. Similarly, in Ashok Kumar v. State of Bihar, a process was initiated for promotion to Class III posts from amongst Class IV employees of a civil court. In the said case, the selection was to be made on the basis of a written test and interview, for which 85% and 15% marks were earmarked respectively as per norms. Out of 27 (twenty-seven) candidates who appeared in the written examination, 14 (fourteen) qualified. They were interviewed. The committee selected candidates on the basis of merit and prepared a list. The High Court declined to approve the select list on the ground that the ratio of full marks for the written examination and the interview ought to have been 90 : 10 and 45 ought to be the qualifying marks in the written examination. A fresh process followed comprising of a written examination (full marks — 90 and qualifying marks — 45) and an interview (carrying 10 marks). On the basis of the performance of the candidates, results were declared and 6 (six) persons were appointed on Class III posts. It was thereafter that the appellants along with 4 (four) other unsuccessful candidates filed a writ petition before the High



Court challenging the order of the High Court on the administrative side declining to approve the initial select list. The primary ground was that the appointment process was vitiated, since under the relevant rules, the written test was required to carry 85 marks and the interview 15 marks. This Court dismissed the appeals on the grounds that the appellants were clearly put on notice when the fresh selection process took place that the written examination would carry 90 marks and the interview 10 marks. The Court was of the view that the appellants having participated in the selection process without objection and subsequently found to be not successful, a challenge to the process at their instance was precluded. The relevant observations are as under : (SCC p. 363, para 13)

“13. The law on the subject has been crystallised in several decisions of this Court. In Chandra Prakash Tiwari v. Shakuntala Shukla, this Court laid down the principle that when a candidate appears at an examination without objection and is subsequently found to be not successful, a challenge to the process is precluded. The question of entertaining a petition challenging an examination would not arise where a candidate has appeared and participated. He or she cannot subsequently turn around and contend that the process was unfair or that there was a lacuna therein, merely because the result is not palatable. In Union of India v. S. Vinodh Kumar, this Court held that : (SCC p. 107, para 18)

‘18. It is also well settled that those candidates who had taken part in the selection process knowing fully well the procedure laid down therein were not entitled to question the same (see also Munindra Kumar v. Rajiv Govil and Rashmi Mishra v. M.P. Public Service Commission)’ ”



39. It is therefore trite that candidates, having taken part in the selection process without any demur or protest, cannot challenge the same after having been declared unsuccessful. The candidates cannot approbate and reprobate at the same time. In other words, simply because the result of the selection process is not palatable to a candidate, he cannot allege that the process of interview was unfair or that there was some lacuna in the process. Therefore, we find that the writ petitioners in these cases, could not have questioned before a court of law, the rationale behind recasting the selection criteria, as they willingly took part in the selection process even after the criteria had been so recast. Their candidature was not withdrawn in light of the amended criteria. A challenge was thrown against the same only after they had been declared unsuccessful in the selection process, at which stage, the challenge ought not to have been entertained in light of the principle of waiver and acquiescence.

40. This Court in Sadananda Halo has noted that the only exception to the rule of waiver is the existence of mala fides on the part of the Selection Board. In the present case, we are unable to find any mala fides or arbitrariness in the selection process and therefore the said exception cannot be invoked.

57. This Court in Lila Dhar v. State of Rajasthan made the following pertinent observations as to the importance of a viva voce or interview in a selection process : (SCC p. 163, para 5)



"5. ... It is now well recognised that while a written examination assesses a candidate's knowledge and intellectual ability, an interview test is valuable to assess a candidate's overall intellectual and personal qualities. While a written examination has certain distinct advantages over the interview test there are yet no written tests which can evaluate a candidate's initiative, alertness, resourcefulness, dependableness, cooperativeness, capacity for clear and logical presentation, effectiveness in discussion, effectiveness in meeting and dealing with others, adaptability, judgment, ability to make decision, ability to lead, intellectual and moral integrity. Some of these qualities may be evaluated, perhaps with some degree of error, by an interview test, much depending on the Constitution of the Interview Board."

58. The criteria for evaluation of a candidate's performance in an interview may be diverse and some of it may be subjective. However, having submitted to the interview process with no demur or protest, the same cannot be challenged subsequently simply because the candidate's personal evaluation of his performance was higher than the marks awarded by the panel. In this case the break-up of the marks referred to above is reiterated as under:

<i>Criteria as per the Advertisement Notification dated 5-5-2008</i>	<i>Recast criteria as per the Corrigendum dated 12-6-2009</i>
<i>1. Degree in Pharmacy (B. Pharmacy = 55 points OR</i>	<i>1. Degree in Pharmacy (B. Pharmacy = 65 points OR</i>
<i>2. Degree in Pharmaceutical Chemistry or</i>	<i>2. Degree in Pharmaceutical Chemistry = 65 points or</i>
<i>3. PG in Chemistry with Pharmaceutical as a</i>	<i>3. PG in Chemistry with Pharmaceutical as a special subject = 65 points</i>



special subject = 55 points or	
4. Associateship Diploma of the Institution of Chemists (India) by passing the examination with analyst of drugs and Pharmaceutical as one of the subjects = 55 points or	4. Associateship Diploma of the Institution of Chemists (India) by passing the examination with analyst of drugs and pharmaceutical as one of the subjects = 65 points or
5. Graduate in Medicines or Science of university recognised for this purpose by the appointing authority and has at least one year postgraduate training in a laboratory under (i) Government Analyst appointed under the Act, (ii) Chemical Examiner of (iii) the Head of an Institution specially approved for the purpose by the appointing authority = 55 points	5. Graduate in Medicines or Science of a university recognised for this purpose by appointing authority and has at least one year postgraduate training in a laboratory under (i) Government Analyst appointed under the Act, (ii) Chemical Examiner of (iii) the Head of an Institution specially approved for the purpose by the appointing authority = 65 points
purpose by the appointing authority = 55 points	specially approved for the purpose by the appointing authority = 65 points
6. PG Pharmacy/Medicine = 25 points	6. PG Pharmacy/Medicine/Pharmaceutical/Chemistry = 10 points
7. Viva voce = 20 points	7. PhD = 05 points across the board
Total = 100 points	8. Viva voce = 20 points
	Total = 100 points

59. Only 20 out of 100 marks were allocated for interview/viva voce. The same is only 20% of the total marks which cannot be said to be an excessive proportion out of



the total marks. Further, courts cannot sit in judgment over the award of marks by an interview panel. That is best left to the judgment and wisdom of the interview panel. In the above premise, we do not think there is any merit in the contention of the writ petitioners regarding the award of marks to the candidates who appeared for viva voce before the panel. Moreover, the award of 80% of the total marks is on objective criteria depending upon the educational qualification of the individual candidates.

60. Further, it appears to us the criteria was recast vide Corrigendum dated 12-6-2009, by increasing the weightage accorded to candidates possessing a degree in Pharmacy or Pharmaceutical Chemistry and advanced qualifications such as postgraduate degrees, PhD, etc. with a view to incentivise more qualified persons who had applied for the said posts. Recasting the criteria was only with regard to allocation of marks for the respective educational qualification of the candidates. In our view, it was with a view to preserve the standards of the selection process and was not motivated by mala fides or oblique motive. Higher the qualification a candidate possessed, higher marks were awarded. In other words, the minimum marks awarded for educational qualification was 65 and could increase to 80 depending on the higher qualifications of the candidates. Therefore, we are unable to interfere with the selection process on the ground that the award of marks was recast unilaterally. The reallocation of marks based on the educational qualification was in recognition of the higher qualification of the candidates which cannot be termed to be



arbitrary. It is a no-brainer that any candidate who was aggrieved by the recast of marks would either withdraw his candidature or challenge the Corrigendum dated 12-6-2009 at a preliminary stage in the selection process. However, the writ petitioners did not do so. Having participated in the selection process without any demur or protest, the writ petitioners cannot challenge the same as being tainted with mala fides, merely because they were unsuccessful.”

14. As stated supra, in the absence of any material to establish that the interview conducted by the respondent Nos.1 and 3 culminating in the impugned resolution, whereby the candidature of the petitioner was rejected and the respondent No.4 was selected was tainted by malafides, malice or any other illegality coupled with the limited scope of interference by this Court by way of judicial review, I am of the considered opinion that the various contentions urged by the petitioner in this regard cannot be accepted, especially when no demonstrable prejudice or hardship that would be caused to the petitioner has been pleaded or proved by her in the present petition, which is liable to be dismissed on this ground also.



15. Insofar as the various judgments relied upon by the learned Senior Counsel for the petitioner are concerned, the said judgments having been rendered/delivered in the facts and circumstances of the said cases and the findings recorded by me hereinbefore including coming to the conclusion that even assuming both petitioner and respondent No.4 are granted equal – 4 marks towards 'Teaching Experience', respondent No.4, who had performed better in the interview and secured a total 37 marks as against the petitioner who had secured a total 30 marks and she was correctly, legally and properly selected to the subject post as borne out from the facts and circumstances and material on record in the instant case, the various judgments relied upon by the learned Senior Counsel for the petitioner would not be applicable to the facts of the case on hand and as such, they are not elaborately dealt with for the purpose of the present order.

16. In view of the foregoing discussion, I do not find any merit in the petition and the same is accordingly ***dismissed.***

**Sd/-
(S.R.KRISHNA KUMAR)
JUDGE**

Srl./mds