

S U P R E M E C O U R T O F I N D I A
 RECORD OF PROCEEDINGS
 CIVIL APPEAL NO(s). 348 OF 2006

SHIVAJI VYANKATRAO SARODE

Appellant (s)

VERSUS

SELECTION COMMITTEE & ORS.

Respondent(s)

(With appln(s) for exemption from filing c/c of the impugned Judgment)

Date: 10/02/2011

This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B. SUDERSHAN REDDY
 HON'BLE MR. JUSTICE SURINDER SINGH NIJJAR

For Appellant(s)

Mr. Uday U. Lalit, Sr. Adv.
 Mr. Gagan Sanghi, Adv.
 Mr. Rameshwar Prasad Goyal, Adv.

For Respondent(s)

Ms. Asha Gopalan Nair, Adv.
 Mr. Khwairakpam Nobin Singh ,Adv
 Mr. Ravindra Keshavrao Adsure ,Adv

UPON hearing counsel the Court made the following
 O R D E R

The appeal is allowed in terms of the signed
 order.

(DEEPAK MANSUKHANI)

Court Master

(The signed order is placed on the file)

IN THE SUPREME COURT OF INDIA
 CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 348 OF 2006

(RENUKA SADANA)

Court Master

SHIVAJI VYANKATRAO SARODE

Appellant (s)

VERSUS

SELECTION COMMITTEE & ORS.

Respondent(s)

O R D E R

The respondent nos. 3,4 & 5 filed Writ Petition in the High
 Court challenging the selection and appointment of the appellant
 herein as a Professor in "Agricultural Entomology" in Punjabrao

Krishni Vidyapeeth (Respondent No. 2 herein). The appellant and respondent nos. 3, 4 & 5 participated in the selection process held by the Selection Committee for the post of a Professor in the said Punjabrao Krishni Vidyapeeth. A merit list was prepared by the first respondent in which respondent no. 6 (since deleted) was placed at Sr. No. 1 and the appellant at Sr. No. 2. The respondent no. 6 was also at Sr. No. 1 in the merit list of Mahatma Phule Krishni Vidyapeeth and he opted for that post. In such view of the matter, the appellant herein was appointed as the Professor in "Agricultural Entomology" in Punjabrao Krishni Vidyapeeth.

The appellant's selection and appointment was impugned in Writ Petition No. 2598/1991 by the respondent nos. 3, 4 & 5 challenging the process of selection on the grounds, inter alia, that one Dr. Dorge was part of Respondent No. 1 Selection Committee, even though he was not the Vice Chancellor of the Respondent no. 2 University and, therefore, the whole of the selection process was vitiated.

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The respondent no. 1 Selection Committee filed its affidavit in the Writ Petition, inter alia, contending that the said Dr. Dorge, in fact, had not participated in the selection process for the selection to the post of Professor in the Second respondent University and the Vice Chancellor of that University alone had participated in the selection process. The contention was that respective Vice Chancellors alone had participated in the selection process yet the High Court upon erroneous appreciation of the relevant provisions observed that "it was open for the respondents to conduct interview university-wise and at every such interview, V.C., of the concerned University could have remained present. However, in the present case, in view of the admitted position that Dr. Dorge was not eligible to become member of the committee for selection of the candidates for respondent

no. 1

University but was still a part of the Committee m
akes the

constituion of the whole commmittee invalid". This view of the H
igh

Court, in our considered opinion, suffers from serious infirmity.

Since the High Court ignored the fact that Dr. Dorge
did not

participate in the selection process of the appellant for the said

post of Professor, his mere presence in the Joint
Selection

Committee, in our considered opinion, would not vitia
te the

selection.

Be it as it may, during the pendency of this appeal, the

Respondent no. 5 (Petitioner no. 3 in the High Court) died and

respondent nos. 3 and 4 retired in the year 1996 and 1997

respectively on attaining superannuation.

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In the circumstances, the selection and appointment of the
appellant herein as a Professor of Punjabrao Krishi Vidyapeeth is
upheld and it is declared that his selection as the Professor is not
vitiating.

The appeal is accordingly allowed.

.....J.
(B. Sudershan Reddy)

.....J.
(Surinder Singh Nijjar)

NEW DELHI
FEBRUARY 10, 2011