

C.J.'s Court

Writ Petition No. 908 (S/B) of 2001.

Dr. D.V. Singh and one another - Petitioners.

Vs.

Union of India and another - Respondents.

Hon'ble A.A. Desai, C.J.

Hon'ble P.C. Verma, J.

Heard Sri Ravi Kiran Jain, learned counsel for the petitioners and Sri R.D.Agrawala, Additional Solicitor General.

The petitioner Dr. D.V. Singh, holding the post of Director of Indian Institute of Technology, has filed the instant petition to challenge clause 5-A(e) of the Ordinance. According to him, this clause as argued by Mr. Jain creates a hostile discrimination amongst the employees engaged by the then Roorkee University.

The Roorkee University by the impugned Ordinance has been converted into Indian Institute of Technology. Under clause 5-A(e), the petitioner has availed the deemed provisions and continued as Director of the newly converted I.I.T.

Having availed the benefit of the Ordinance, the petitioner cannot successfully challenge the vires of clause (e) referred to above.

Even otherwise on merits, Mr. Jain contended before us that Vice Chancellor is like any other employee as referred to in clause (d) and, therefore, without there being any basis clause (e) has carried a discrimination, which is inadmissible in view of the Article 14 of the Constitution of India. On going through the nature of the Officer and functions of the Vice Chancellor, the submission is totally untenable as the Vice Chancellor cannot be equated to be and at par with other employees

of the University. Even otherwise the Vice Chancellor, according to the nature and function of his Office, is an authority of the University. He is also entrusted with the power to take decision. Therefore, he cannot in strict sense be a person employed as envisaged in clause (d). Moreover, the process of selection of Vice Chancellor is altogether different than recruitment of the employees as envisaged in clause (d).

Mr. Jain has placed reliance on a decision of Dinnapati Sadasiva Reddi vs. Chancellor, Osmania University and others, reported in A.I.R. 1967 AC 1305. We have carefully examined the such judgment. We are of the view that the ratio of the aforesaid judgment is not attracted for its application in the facts and circumstances of the present case.

In view of this, there is sufficient basis and logic to differentiate other employees from the Vice chancellor. The submission is, therefore untenantable.

Even otherwise, we are reported that the petitioner got his name sponsored through one of eminent scientists for being considered as Director on regular basis.

In view of all this, the petition is without any merit. The same is dismissed.

We are tried to be persuaded by Sri R.D.Agarawala, Additional Solicitor General, to saddle the petitioners with costs. However, after hearing Mr. Jain, we could not be further persuaded in this behalf any further. As such we do not saddle any costs on the petitioners.

(A.A. Desai, C.J.)

(P.C. Verma, J.)

Dt 21.12.01.

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