



UNIVERSITY OF CALICUT

CALICUT UNIVERSITY P.O., MALAPPURAM (DIST.), KERALA, INDIA, PIN. 673 635

Prof (Dr.) Rasheed Ahammed P.

Member, Syndicate

No. USPC/PR/36/2024

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To

His Excellency Sri Arif Muhammed Khan

The Hon'ble Chancellor of the University of Calicut

Sub: Appointment of professors at the University of Calicut -Recruitment irregularities and violation of reservation norms - petition -reg

- Ref: 1. Notification No. GA-II/C1/104750/2019/Admn, dated 31.12.2019
2. Notification No. 177444/GA-II-C1/2021/Admn (II) dated 02.07.2024
3. Rotation Chart submitted by the University at the Hon. High Court of Kerala.
4. Judgment of the Hon. Supreme Court on Special Leave Petition (Civil) No.10045/2023.
5. Judgment in WA No. 1527 of 2021, Hon. High Court of Kerala.

Respected Sir,

In my capacity as a Member of the Syndicate, University of Calicut, I write to draw your kind attention to a serious recruitment scam that has occurred at the University of Calicut under the patronage of the Vice-Chancellor and the Syndicate, who are expected to uphold social justice and statutory norms.

As per Reference (1), the University invited applications for the appointment of 24 Professors and subsequently appointed 8 Professors. According to newspaper reports, these appointments were given to individuals associated with left-leaning teachers' unions at the University during their tenure in colleges, bypassing reservation rules. As a Syndicate member, I have persistently sought the rotation chart used by the University for these appointments. However, the chart, indicating the reservation allotments, was not presented to the Syndicate during the appointment process.

Now, as per Reference (2), the University has issued an NCA (No Candidate Available) notification for the vacancies where eligible candidates were unavailable. This has now provided insight into the rotation turns the University followed in these appointments. Upon reviewing the rotation chart, it is evident that the University violated the Kerala State and Subordinate Service Rules (KS & SSR) concerning reservations and made illegal appointments of individuals affiliated with left-leaning organizations.

In its appointments, the University violated two fundamental rules of reservation:

A. The University manipulated the KS and SSR rotation by introducing an out-of-turn category, such as "1A," which does not exist in the KS and SSR reservation turns.

B. Instead of following horizontal reservation for Persons with Disabilities (PwDs), the University incorrectly applied vertical reservation.

Due to these serious errors by the University, several Professors have been appointed through illegal means, while many eligible candidates remain excluded from appointments. Moreover, the NCA notification and subsequent notifications for new vacancies have been rendered null and void. ***A detailed list of irregularities is provided in the attached chart.***

In this context, it is important to note the recent verdicts from both the Honorable Supreme Court and High Court in the Anupama vs. University of Calicut case. These rulings clearly stated that out-of-turn appointments, such as "1A," are unlawful, and that horizontal reservation must be applied for PwD candidates, not vertical reservation.

The legal proceedings initiated by Dr. K.P. Anupama resulted in the Division Bench of the Kerala High Court ruling that the University's reservation rotation chart was *flawed (Judgment in W.A. No. 1527 of 2021 by the Hon'ble High Court)*. This judgment was later upheld by the Supreme Court of India (*Judgment in Special Leave Petition (Civil) No. 10045/2023*).

The court's verdict in the Anupama case referenced several significant judgments, including:

- 1. *Indra Sawhney v. Union of India, 1992 Supp (3) SCC 217***
- 2. *Rajesh Kumar Daria v. Rajasthan Public Service Commission, (2007) 8 SCC 785***
- 3. *Anil Kumar Gupta v. State of U.P., (1995) 5 SCC 173***

In the case of Dr. Anupama, the Kerala High Court reaffirmed the necessity of implementing horizontal reservation for PwDs. Despite repeated instructions from the Central Government and binding judgments from both the High Court and the Supreme Court, the University of Calicut has chosen to ignore these legal mandates, prioritizing political and personal interests over lawful reservation policies.

It is evident that the University of Calicut has violated the constitutional and legal framework governing reservations, particularly in the appointment of Professors. I have raised these concerns multiple times during Syndicate meetings and through written communications to the Vice-Chancellor. However, no corrective

action has been taken to address the unlawful implementation of vertical reservation for the PwD category.

Implications:

The above violations have the following implications, explained below with examples:

1. Violation of Reservation Rights for the SC Category:

Under the constitutional and statutory provisions governing reservations, the Scheduled Caste (SC) category is entitled to three posts in the appointment of 24 Professors. However, the University allocated only two posts to this category, thereby violating Articles 14, 15, 16, 335, 46, and 341 of the Constitution of India, which mandate the protection of SC community rights in public employment.

2. Illegal Appointments to Professor Posts:

The appointments of Dr. Sajeev T.V. (Department of Zoology), Dr. Sindhu S. (Department of Nanoscience and Technology), Dr. Binita N.N. (Department of Chemistry), Dr. Rajeev S. Menon (Department of Chemistry), Dr. A. Yusuf (Department of Botany), and Dr. Prabhakaran Hebbar Illath (Department of Hindi) were made in violation of established recruitment procedures, including the reservation turns stipulated in the KS and SSR. Certain individuals from the General Category were appointed to vacancies reserved for SC candidates, further violating these rules.

3. Denial of Legitimate Appointments:

Dr. P. Sunoj Kumar and Dr. Sebastian N, who were legally eligible for appointments in the Department of Botany and the Department of Political Science, respectively, were unjustly denied their posts. In Dr. Sunoj Kumar's case, a post in the Open Category was converted into a reserved post under the Muslim category, infringing upon his rights. Similarly, in the Department of

Political Science, a post in the Open Category was converted into a reserved LC/AI post, depriving Dr. Sebastian of his rightful appointment.

These actions violate established recruitment rules and principles of fairness and transparency in public employment, making them susceptible to legal challenges under administrative law.

4. Irregularities in the NCA Notification:

The NCA (No Candidate Available) notification issued by the University on July 2, 2024, contains significant irregularities. Several departments were arbitrarily excluded from the notification, while other departments were invited to make appointments based on reservations. This selective application of the notification process violates the principles of equality and non-arbitrariness, potentially leading to serious legal consequences. The flawed notification contravenes reservation guidelines and is vulnerable to legal challenges under constitutional and administrative law.

5. Violation of Reservation Rules:

The reservation rules under the Kerala State and Subordinate Service Rules (KS&SSR) were not followed in the appointment of professors. For example, the ETB category was assigned the third turn instead of the second, and the SC category, which should have received the fourth turn, was pushed to the fifth. The University deliberately altered the reservation sequence set by the KS&SSR for all reserved categories.

6. Violation of the PWD Reservation System:

According to the Rights of Persons with Disabilities (PWD) Act, 2016, and Supreme Court judgments, PWD reservations must be implemented horizontally. However, the University applied PWD reservations as out-of-turn vertical reservations, violating existing laws.

Prayers for Relief:

Based on the above mentioned facts, I pray to your good office the following:

1. Rectification of Reservation Violations

Direct the Vice-Chancellor of the University of Calicut to comply with Articles 14, 15, 16, 335, 46, and 341 of the Constitution and allocate three posts in professor appointments to the SC category, ensuring proper reservation practices are followed.

2. Cancellation of Illegal Appointments

Issue an order to cancel the appointments of Drs. Sajeev T.V., Sindhu S., Binita N.N., Rajeev S. Menon, A. Yusuf, and Prabhakaran Hebbar Illath, as these appointments were made without following proper legal procedures. Ensure that any other appointments found to be illegal are also canceled, and enforce proper legal procedures for future appointments.

3. Redressal of Denial of Legitimate Appointments

Instruct the Vice-Chancellor to appoint Dr. P. Sunoj Kumar as Professor in the Department of Botany and Dr. Sebastian N. as Professor in the Department of Political Science. Ensure that their unjust exclusion from these positions is rectified. In future appointments, maintain a clear distinction between open and reserved categories to ensure fairness and compliance with reservation policies.

4. Review and Correction of NCA Notification Irregularities

Instruct the Vice Chancellor to revoke the NCA notification dated 02.07.2024 and reissue it in accordance with the law. Ensure the notification process complies with reservation guidelines and is applied equally across all departments.

5. Rectification of Reservation under KS&SSR

Ensure strict adherence to the Kerala State & Subordinate Service Rules (KS&SSR) for all reservation categories, and rectify any deviations. Conduct a thorough review to ensure fair implementation of these reservation guidelines.

6. Implementation of PWD Reservation

Direct the University to comply with the provisions of the Rights of Persons with Disabilities (PWD) Act, 2016, and relevant Supreme Court judgments regarding horizontal reservation for persons with disabilities. Ensure the correct order of implementation for these reservations.

7. Disciplinary Action

Recommend disciplinary measures against those responsible for violations of reservation policies and illegal appointments. Ensure transparency and fairness in all future recruitment processes.

8. General Compliance

Direct the University to fully adhere to constitutional, legal, and reservation policies in all future recruitments to guarantee fairness and equality in public employment.

I humbly submit this petition in my capacity as a Member of the Syndicate, University of Calicut, and request necessary action in this regard.

Thanking you.

Yours Faithfully



Dr. Rasheed Ahammed P
Member, Syndicate