



JNUTA protests the supersession of 5 senior professors in appointment of Dean SSS

1 OCT
2017

1 COMMENT

The JNUTA is dismayed to find that despite its oft-iterated position on the importance of observing seniority as the sole guiding principle in the appointment of Deans and Chairpersons, the Vice-Chancellor has flouted this long-established convention in the appointment of Dean of the School of Social Sciences. This appointment has been made superseding five colleagues senior to Pradipta Chowdhury. These are (in descending order of seniority), as per the date of appointment in JNU.

Kunal Chakrabarty 27.07.1998

Jayati Ghosh 13.12.1998

Rajat Datta 14.02.1999

Ravi S. Srivastava 1.10.99

B. K. Khadria 01.01.2000

Prof. Pradipta K. Chaudhary is the sixth in line, as he was appointed on 09.02.2001.

The Background

Since March last year, when this Vice Chancellor indicated that he was determined to appoint Chairpersons and Deans to serve at his pleasure, JNUTA and elected teachers' representatives in the Executive Council has reasserted the importance of employing seniority as the sole guideline in such appointments.

- In a letter dated 4 April 2016, the JNUTA had argued that the rotation by seniority principle must be adopted because this system was the most transparent, eliminates subjectivity and bias, creates checks and balances, and encourages democracy at all levels.
- The matter was raised in the Executive Council by the elected teachers representatives in the 265th Executive Council, but the Vice-Chancellor refused to put on record the established practice in JNU.
- Teachers representatives in the Executive Council pressed the matter once again in the 266th Executive Council, but once again there was a flat refusal
- The JNUTA GBM on 2 December 2016 noted with alarm that “In complete disregard to repeated requests and opinions, the university Vice Chancellor has refused to minute in the EC resolution the overwhelming opinion of the members to follow the rotation-based seniority principle in appointment of Chairpersons/Deans. The GBM expresses apprehension once again about the reluctance of VC in accepting a norm which is articulated more than once by different High Courts of India on appointment of Heads/Deans in Departments.”

Despite verbal assurances to JNUTA and in the Executive Council (which includes a large number of external members) that the principle of seniority by rotation would be observed, the written position that the JNU

administration has maintained that since the JNU Act only states the following about the appointment of Deans, the VC need not use seniority as the guideline:

There shall be a Dean for each School of Study who shall be appointed in such manner and with such powers and duties as may be prescribed by the Statutes.

The JNUTA would like to remind the university administration that the provisions of the JNU Act are fleshed out and enforced in the university both through Rules and Regulations and established convention, which has the force of law. For example, the Regulations related to the Executive Council and the Academic Council state that in the absence of the Vice-Chancellor, the “senior-most Rector shall preside”. This is not contained in the Act however. Similarly, rotation by seniority is explicitly mentioned as a guideline in determining the membership of the Academic Council for Special Centres.

Furthermore, it has been laid down in various Court judgments that wherever Vice-Chancellors have discretionary powers, the exercise of such powers must be in a fair, bona fide and reasonable manner. In a 1995 judgment on a case of a similar nature — where the seniormost professor was passed over for Deanship by the discharge of discretionary powers — the Andhra Pradesh High Court observed:

“The Act reposed great faith in the Vice-Chancellor and vested in him the power to appoint Deans, The discretion should be exercised in a fair and bona fide manner untravelling and uninfluenced by the opinions of the lower echelons of the administration. ...In the instant case, the Vice-Chancellor failed to exercise his discretion under statute 6(1) in fair and just manner. The Petitioner was denied of his appointment for two consecutive terms. The humiliation and agony of the petitioner, who is a senior Professor cannot be compensated retrospectively. I, therefore, record my dissatisfaction and distress at the way in which the petitioner was meted a raw deal. It is hoped that the authorities will set right the position and pave way for better relations with the teaching staff and thus achieve excellence in higher education and research.”

It is indisputable that overwhelmingly the norm in JNU has been rotation by seniority for Deans and Chairpersons. Any honest administrator would want that an established convention that has fostered accountable and transparent administration should continue. Yet almost since the very beginning of his tenure, Prof. Jagadesh Kumar has insisted that he shall not be bound by this norm. Why would a newly-minted Vice-Chancellor within a month of his tenure make such a radical departure from an established norm within a couple of months of his reporting for duty? Why would he, in the face of so much opposition on this count, insist on asserting the violation of a norm as a right?

The reason why

The most obvious reason of course is that the Vice-Chancellor and his administration has faced stiff opposition from the Deans of the large schools in the destruction of the university's admission policy and research programmes, and the attacks on faculty. **However, the supersession of five faculty in the SSS is not merely the result of an elimination of known 'trouble-makers', but is a malafide act of victimisation,** for four of the five faculty. Professors Ravi Srivastava and Jayati Ghosh are petitioners in the writ petition filed in the Delhi High Court on the VC's tampering with Selection Committees by adding illegally to the panel of experts; Prof. Rajat Dutta is a petitioner in the writ petition filed in the Delhi High Court on the dissolution of GSCASH, and Prof. Kunal Chakraborty (in his capacity as Acting Dean, SSS) registered a written dissent on the VC's illegal addition of experts on two Selection Committees that he has been present in.

The JNUTA is of the view therefore that this malafide supersession of four faculty members — none of whom were even approached by the JNU administration to seek their opinions — is primarily due to the fact that Deans of Schools sit on Selection Committees for faculty recruitment and promotions. With over 280 appointments to be made, the Vice-Chancellor has ignored these five faculty members for Deanship on the apprehension that they would contest his vested interest in stacking the quorum of Selection Committees.

JNUTA sees this supersession to be a victimisation in the same vein as the treatment meted out to Prof. Nivedita Menon. Not only has Prof. Menon been removed as Chairperson, the Executive Council minutes now also record a decision that she shall be barred from membership of any statutory body of the university for five years. The JNUTA sharply condemns this arbitrary and illegal punishment to Prof. Menon, issued without even a show cause notice.

The message from the JNU administration is now clear: any opposition to the VC's illegal tampering with, and improper conduct of, selection committees and other violations, shall invite certain retribution, through whatever means available, and always in violation of principles of natural justice. The singular goal is the vitiation of the process of faculty recruitment (and promotions). The JNUTA calls on all teachers to register their protest at the victimisation of all five colleagues, and to stand united in the face of this intimidation.

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Akshay Bakaya



1 Oct 2017 at 6:57 pm Edit

Prof. Pradipta Chaudhary should himself write to the VC refusing to accept his clearly irregular nomination as Dean. What happens in JNU is closely followed by academics around the world, and such a move by him will be widely admired. Please pass on my suggestion to him. — Akshay Bakaya, Inalco and Sciences Po, Paris

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