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Appointment of Vice-Chancellors: Examining the Dispute Between the Governor and State Government

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Introduction

In a recent legal battle concerning the conflict between the Governor of West Bengal and the State Government regarding university governance, the Supreme Court on September 15, 2023, announced its intention to establish a Search cum Selection committee for appointing University Chancellors within West Bengal.

A panel of Judges, comprising Justices Suryakant and Dipankar Dutta, called for nominations of three to five candidates each from the University Grants Commission (UGC), the State of West Bengal, and the state Governor. This initiative aims to determine the constitution of the Search cum Selection Committee, which will subsequently oversee the appointment of Vice-Chancellors within the state. The bench recommended the UGC to constitute this crucial committee.

The appeal from the West Bengal government was presented before the apex court, challenging the June 28, 2023, order from the Calcutta High Court. The High Court's order affirmed the legality of the West Bengal Governor's appointment of interim Vice-Chancellors in 11 state-run universities as the ex-officio chancellor of these institutions.

Appointment of Vice-Chancellors as per UGC Regulations

The University Grants Commission's guidelines for the appointment of Vice-Chancellors for State Universities are outlined as follows:

Vice-Chancellors should be selected based on the highest standards of competence, integrity, morality, and institutional dedication. Candidates for Vice-Chancellor should possess distinguished academic backgrounds, with a minimum of ten years' experience as a professor within the university system or in an equivalent role within prestigious research and academic administrative organizations.

The selection process should involve the identification of a panel of 3-5 candidates by a Search Committee through public notification, nomination, talent search, or a combination of these methods. The Search Committee members should be prominent figures in higher education, unconnected to the respective university or its colleges. Academic excellence, exposure to the national and international higher education systems, and relevant experience in academic and administrative management must be meticulously detailed in the panel submitted to the committee, and the composition of the Search Committee should align with the law/statutes of the relevant university.

The final appointment of the Vice-Chancellor is made by the Visitor/Chancellor from a panel of names recommended by the Search Committee. The terms of service for the Vice-Chancellor are defined in the Act/Statutes of the concerned university.

The Role of the Governor in the Appointment of Vice-Chancellors of State Universities

The involvement of the Governor in the Indian university system is largely ceremonial and dictated by constitutional principles. Acting as Chancellor of state universities, the Governor's role in appointing Vice-Chancellors is restricted, with the actual selection process led by a Search Committee.

The Governor, as the Chancellor of state universities, holds significant authority due to their position as the head of the state. They have the discretion to select Vice-Chancellors based on recommendations from the Search Committee.

Typically, the UGC regulations define the composition of the Search Committee, which advises on the VC appointment process. The Search Committee is responsible for identifying and recommending suitable candidates for the VC position, drawing from a mix of academics, specialists, and public officials.

After the Search Committee identifies potential candidates, it presents its recommendations to the Chancellor (Governor) through the State Government for approval. The Chancellor evaluates the candidates' credentials and suitability, reviews the recommendations, and

ultimately approves the VC appointment. While the approval process is usually a formality contingent on the Search Committee's suggestions, the Governor treats it with due seriousness.

The VC assumes their duties after formal appointment by the university's Executive Council or Syndicate, with prior approval from the Chancellor.

In the appointment of VCs, the Governor's role is primarily symbolic, emphasizing constitutional principles and upholding university independence. Guaranteeing transparency, fairness, and meritocracy during the selection process, without direct interference in candidate selection, is pivotal for the Governor.

The Governor of a state cannot unilaterally appoint a Vice-Chancellor for a state university without the Search Committee's recommendation.

The Governor must adhere to the Search Committee's recommendations in appointing a Vice-Chancellor, following the regulations of the University Grants Commission.

Composition of the Search Committee for Vice-Chancellor Appointment

In India, the formation of the Search Committee tasked with appointing Vice-Chancellors at state universities is typically guided by the university's regulations, constitution, and University Grants Committee regulations. The composition may vary among universities, but it generally includes representatives from academia, state politics, and the university's administrative bodies.

The Search Committee's primary responsibility is to identify and propose suitable Vice-Chancellor candidates based on relevant qualifications, expertise, and criteria. The exact roles and responsibilities of committee members may be outlined in the university's statutes and policies, with membership varying from one university to another.

In some states, the Governor issues a notification regarding the formation of the Search Committee, while in others, the State Higher Education Department of the State Government constitutes it.

For instance, the Karnataka State Universities Act (2000) stipulates a Search Committee comprising four members: one nominated by the Chancellor, one by the State Government, one nominee of the Syndicate, and one nominee of the University Grants Commission. The Chairman of the Search Committee is appointed from among its members.

In reality, the State Government nominee often chairs the Search Committee. The committee evaluates applications from VC candidates and submits a panel of three names, listed alphabetically, to the State Government. The State Government forwards the panel to the Chancellor, who selects one member from the panel as the Vice-Chancellor, considering merit, equity, social justice, and with the concurrence of the state government.

In the case of Calcutta University, the Vice-Chancellor's appointment falls under the Chancellor's purview. The Chancellor selects a candidate from a list of three individuals ranked in order of preference by the Search Committee established by the State Government.

During the compilation of this list, the Search Committee must weigh factors such as academic prowess, familiarity with national and international higher education systems, and substantial experience in academic and administrative leadership. These considerations must be explicitly detailed when submitting the panel to the Chancellor.

The Search Committee's composition follows specific guidelines: the Committee's Chairperson must be an academician, not below the rank of a Vice-Chancellor of a Central or State-aided university or the Director of a National Institute of higher learning, nominated by the Chancellor in consultation with the Minister. Additionally, two academicians, each not below the rank of a Professor from Central or State-aided Universities or National Institutes of higher learning, are nominated by the State Government and the Senate, respectively. Importantly, none of these nominees can have any affiliations with the University for which the Search Committee is constituted.

Lacunae in University Grants Commission (UGC) Regulations

The UGC Regulations are ambiguous regarding the composition and formation of the Search Committee, submission of the list of candidates for the Vice-Chancellor post to the Governor/Chancellor, and procedural details for the selection process. Key uncertainties include specifying the Search Committee's Chairperson, the number of committee members, venue for meetings, selection process, and the financial responsibilities associated with the meetings.

These ambiguities have fueled disputes between the Governor and the State Government over Vice-Chancellor appointments. However, it's evident that the Governor must choose the Vice-Chancellor from the candidates' list prepared by the Search Committee and cannot appoint a candidate without the Committee's recommendation.

Court Decisions

Court judgments have reinforced the requirement for the Search Committee to prepare a panel of 3 to 5 names, stressing the necessity of multiple recommendations for an informed decision. Additionally, the appointment of a Vice-Chancellor by the State Government must adhere to UGC Regulations, and any deviation from these regulations renders the appointment void ab initio.

Conclusion

Until the loopholes in the University Grants Commission's regulations concerning the constitution and composition of the Search Committee, selection of the Chairperson, and the roles of the State Government and the Governor in selecting Vice-Chancellors of State Universities are addressed, confusion will persist in the appointment process.

All stakeholders involved in the Vice-Chancellor selection process must remain impartial and politically neutral to ensure the right candidate is appointed, preventing unnecessary conflicts between the Governor and the State Government, and prioritizing the interests of the vast number of higher education students.