IN THE SUPREME COURT OF INDIA

EXTRA ORDINARY ORIGINAL JURISDICTION

WRIT PETITION (CIVIL) No._____ of 2023

IN THE MATTER OF:-

Dr. Sachchida Nand Pandey

S/o Mr. Vishwa Nath Pandey

R/o Village Banvadhiya, P.O Bhanpur,

Basti, Uttar Pradesh 272196

Mob:-9884790556

Presently at:-

F-81, Lado Sarai, New Delhi 110 030

...Petitioner

Versus

1. Union of India

   Through Secretary

   Ministry of Education, Shastri Bhawan, New Delhi 110 001

2. Indian Institute of Technology Madras

   Through its Director

   Adyar, Chennai, Tamil Nadu 600 036

3. Indian Institute of Technology Bombay

   Through its Director

   Powai, Mumbai, Maharashtra 400 076

4. Indian Institute of Technology Kharagpur

   through its Director

   West Midnapore, Kharagpur, West Bengal 721 302

5. Indian Institute of Technology Kanpur

   Through its Director

   Kalyanpur, Kanpur, Uttar Pradesh 208 016

6. Indian Institute of Technology Delhi

   Through its Director

   Hauz Khas, New Delhi 110 016

7. Indian Institute of Technology Guwahati

   through its Director

   Kamrup, Guwahati, Assam 781 039

8. Indian Institute of Technology Roorkee

Through its Director

Roorkee, Uttarakhand 247 667

9. Indian Institute of Technology Ropar

Through its Director

Rupnaga, Punjab 140 001

10. Indian Institute of Technology Bhubaneswar

through its Director

Khordha, Odisha 752 050

11. Indian Institute of Technology Gandhinagar

Through its Director

Gandhinagar, Gujarat 382 355

12. Indian Institute of Technology Hyderabad

Through its Director

Sangareddy, Telangana 502 285

13. Indian Institute of Technology Jodhpur

Through its Director

Jodhpur, Rajasthan 342 037

14. Indian Institute of Technology Patna

Through its Director

Patna, Bihar 801 106

15. Indian Institute of Technology Indore

    Through its Director

    Indore, Madhya Pradesh 453 552

16. Indian Institute of Technology Mandi

    Through Its Director

    Kamand, Himachal Pradesh 175 005

17. Indian Institute of Technology Varanasi

    Through Its Director

    BHU Campus, Uttar Pradesh 221 005

18. Indian Institute of Technology Palakkad

    Through Its Director

    Ahalia Integrated Campus, Kozhippara, Kerala 678 557

19. Indian Institute of Technology Tirupati

    Through Its Director

    Chittoor, Andhra Pradesh 517 619

20. Indian Institute of Technology Dhanbad

    Through Its Director

    Sardar Patel Nagar, Dhanbad, Jharkhand 826 004

21. Indian Institute of Technology Bhilai

Through Its Director

GEC Campus, Sejbahar, Chhattisgarh 492 015

22. Indian Institute of Technology Jammu

Through Its Director

Jagti, Jammu, Jammu and Kashmir 181 221

23. Indian Institute of Technology Goa

Through Its Director

GEC Campus, Farmagudi, Ponda, Goa 403 401

24. Indian Institute of Technology Dharwad

Through Its Director

WALMI Campus, PB Road, Karnataka 580 011

…Respondents

WRIT PETITION (PIL) UNDER ARTICLE 32 OF THE CONSTITUTION OF INDIA FOR ENFORCEMENT OF THE FUNDAMENTAL RIGHTS OF THE PETITIONER BY WAY OF ISSUANCE OF AN APPROPRIATE WRIT, ORDER OR DIRECTION IN THE NATURE OF MANDAMUS AND/OR CERTIORARI, OR ANY OTHER WRIT, ORDER OR DIRECTION THEREBY DIRECTING THE

RESPONDENTS TO CANCEL FACULTY APPOINTMENTS FROM JUNE 2008 TO THE PRESENT DUE TO VIOLATIONS OF THE RESERVATION NORM, PROVIDE EQUAL OPPORTUNITY TO NORTH AND HINDI SPEAKING STATES CANDIDATES IN FACULTY POSITION.

To,

The Hon'ble Chief Justice of India

And other Lordship's Companion Justices

of the Hon’ble Supreme Court of India

The Humble petition of the

Petitioner above named

MOST RESPECTFULLY SHOWETH:

1. That the present Writ Petition (PIL) under Article 32 of the Constitution of India is being filed by the Petitioner for enforcement of fundamental rights of the petitioner by way of issuing an appropriate Writ, Order or Direction in the nature of

Mandamus and/or Certiorari, or any other Writ, Order or direction by directing the Respondents to cancel faculty appointments from June 2008 to the present due to violations of the reservation norm, provide equal opportunity to north and Hindi speaking states candidates in faculty position.

2. That the details of the petitioner are given herein below:-

Name of the Petitioner	Dr. Sachchida Nand Pandey
Father's Name:	Mr. Vishwa Nath Pandey
Postal Address:	Village Banwadhya, Post Office, Bhanpur, District Basti, Uttar Pradesh, 272194
Mobile No.	+91 9884790556
Email Address:	snpiitm@gmail.com
Occupation:	Researcher
Aadhar Card No.	795945805190
PAN Card	BNAPP2504E
Annual Income	NIL

2a. There is no personal interest in filling this PIL.

2b. The nature of injury associated with frequent students/scholars suicide in the IITs due to harassment, discrimination and corruption.

2c. No concerned government authority has been moved for the said relief in present PIL.

2d. That there is no civil, criminal or revenue litigation pending against the petitioner which could have a legal nexus to the present PIL.

3. The Petitioner has not filed any other Writ Petition either before this Hon'ble Court or before any other Hon'ble High Court seeking same or similar directions/relief as prayed for in this petition.

4. The cause of action for filing the present Writ Petition arose due to the respondents have violated reservation policy and Hon'ble Court order. The Respondents have also discriminated north and Hindi-speaking states candidates in faculty positions.

5. BRIEF FACTS OF THE CASE

i. The Petitioner is a well known geothermal energy researcher holding a Bachelor's Degree in Mechanical Engineering, Masters

in Thermal Engineering, PhD and Postdoc from the Indian Institute of Technology Madras and Bombay respectively. The petitioner was extremely harassed (mental, financial and racial) by IIT Madras and IIT Bombay professors and management. The IIT Madras advisor took a research article and forcibly shared the petitioner years of hard work with others. The IIT Bombay mentor took two research projects worth of 5.28 crore and experiment samples (hard work of over a year and collected with the help of the Indian Army). The petitioner hails from a poor family and has no source of income, his livelihood totally depends on a small piece of agricultural land. The petitioner was involved in various social activities from the beginning of his studies and continued during scientific research (PhD and Postdoc), mainly helping the poor students in their studies, energy, environment, climate change-related activities and Covid-19 awareness.

ii. That the faculty recruitment processes in the IITs are unconstitutional, opaque, discriminatory and full of state favoritism mentality. The Respondents violated the GOI reservation policy, Hon'ble Court order and discriminated candidates coming from the North and Hindi-speaking states in faculty positions due to their state favoritism mentality.

iii. That on 09th June 2008, The Respondent No.1 wrote a letter to IIT directors (Madras, Bombay, Kharagpur, Kanpur, Roorkee and Guwahati) to implement the reservation for SC, ST and OBC categories in faculty recruitment at assistant professor level in science and technology, and at all levels (assistant, associate and professor) in Humanities, Social Science and Management departments. The Government of India has provided reservation to EWS category candidates. Later, the Government of India extended reservation to all posts (associate professors and professors) in all streams, including science and technology domains. True copy of the Letter dated 09.06.2008 written by the Respondent No.1 to the Respondent No.2 to 24 is annexed herewith as **ANNEXUERE P-1 (Pages to).**

iv. That the Respondents 2–24 violated the reservation policy, which grants reservations to scheduled castes, scheduled tribes, other backward classes and economically weaker section. According to provisions in the Indian Constitution, IITs are mandated to provide 15% reservation for scheduled caste, 7.5% for scheduled tribe, 27% for other backward classes and 10% for economically weaker section. In 2018, the Hon'ble Madras High Court warned for serious penal consequences if there is any violation in the

process of selection without adhering to the principles of reservation under articles 14 and 16 of the Indian constitution. True copy of the News Reports dated 25.04.2018 is annexed herewith as **ANNEXUERE P-2 (Pages to).**

v. That it is also respectfully submitted that in 2019, the HRD minister Mr. Prakash Javedkar informed to the Parliament that out of 6043 faculty members across various IITs, only 149 were from Scheduled Caste and 21 from Schedule Tribe. This means that 2.3% were from Scheduled Caste and 0.3% from Schedule Tribe. The data collected by the Petitioner from the various sources, including the data collected through RTI Act-2005 shows that the representations of OBCs are far lower than the constitutional mandates. True copy of the News Reports dated 02.01.2019 is annexed herewith as **ANNEXUERE P-3 (Pages to).**

Institute	Total Faculty members	Faculty Members (SC)	Faculty Members (ST)	Faculty Members (OBC)
IIT Madras	568	12	2	59
IIT Bombay	684	6	1	10

IIT Kharagpur	664	11	1	27
IIT Delhi	549	10	3	27
IIT Kanpur	464	9	1	11
IIT Roorkee	401	10	2	39
IIT Guwahati	410	16	3	12
IIT BHU	287	19	3	17
IIT Hyderabad	191	6	1	26
IIT Bhubaneswar	112	4	0	17
IIT Gandhinagar	94	1	0	3
IIT Tirupati	61	2	2	8
IIT Dhanbad	41	1	0	0
TOTAL	4526	107 (2.36%)	19 (0.41%)	256 (5.65%)

vi. It is respectfully submitted that the IITs faculty recruitment processes are completely based on recommendation and interrelations of existing professors. The candidates applying for the faculty positions are completely unaware of the short-listing criteria and the weightages given for different rounds of the selection process. The IITs never published the details of

shortlisted candidates. The IITs usually don't inform the candidates who are not being called or shortlisted for interviews. It is mentioned in the advertisement that "no interim correspondence whatsoever will be entertained to candidates regarding conduct and result of interview and reasons for not being called for interview or selection. However, this is fundamental right of the candidates to know about the short listing criteria, for different components of selection process and the exact methodology adopted by the IITs (quality of research publications, research projects, application of research, teaching/research experience and interview etc). True copy of the Advertisement of the Respondent dated 22.08.2019 is annexed herewith as **ANNEXUERE P-4 (Pages to).**

vii. It is respectfully submitted that on 27 September 2019, the IIT Council acknowledged that more than half of professors (over 50 %) performance is below the desired level. This suggests that the majority of professors are either not performing proper research/teaching or incapable of doing so. This number also suggests that the unworthy and ineffective applicants were chosen over the talented ones (i.e., the reserved, North and Hindi speaking states candidates). The professors of a few states

have captured, hacked and hijacked the selection processes in IITs due to their majority in the system. Hence, they are inducting the faculty from their states due to their state favoritism mentality and to keep their number high. This chain has become stronger, and it needs to be broken immediately. Otherwise, it will do significant injustice to the mentioned states of the country. It is totally non-democratic way of selection, which can bifurcate its citizens. The poor academic performances by the large number of professors in IITs are also negatively impacting the science, technological and economic growth of the country in various dimensions. The global ranking reveals that none of the respondents 2-24 were able to achieve a place among the top 100 universities/institutions worldwide. The university ranking was based on the quality of teaching and research. The main reasons for not being in the top 100 institutes are that IITs are not publishing quality research papers in reputed high-impact factor research journals. The top universities in the world recruit their faculties mostly based on the quality of their research, publications in research journals with high impact factors, applied research, no of research projects that have been carried out, patents, I-index and

citations. True copy of media report dated 02.10.2019 and 22.10.2019 are annexed herewith as **ANNEXUERE P-5 (Pages to).**

viii. That as per the Insight magazine survey by IIT Bombay students, more than one-third (35.9%) of students are suffering from a mental disorder and require active intervention. A 26-year-old IIT Bombay student died by suicide and cited mental health problems in his suicide note. In the past few months, several IIT students have committed suicide. However, the respondents are silent on suicide and harassment. The respondents No. 2–24 are professors are harassing the students/scholars in the name of teaching and research guidance. The poor quality of teaching, research guidance, inhuman behavior are the primary reasons behind the high suicide and dropout rates. True copy of the News Reports dated 18.10.2020 is annexed herewith as **ANNEXUERE P-6 (Pages to).**

ix. It is respectfully submitted that the respondents are not treating the candidates that come from the North and Hindi-speaking states equally. The representation of North and Hindi speaking states, including Bihar, Jharkhand, Chhattisgarh, Madhya

Pradesh, Rajasthan, Haryana, Uttar Pradesh, Uttarakhand, Himachal Pradesh, Punjab, Jammu and Kashmir and Ladakh is very low as compared to their populations (~50% of the national population). The information collected through the RTI Act-2005 by the petitioner from the IITs indicates that the percentage of faculty belonging to the above-mentioned states at IIT Tirupati is around 4.91%; it is 7.92% at IIT Madras; 27.65% at IIT Gandhinagar; and 13.77% at IIT Kharagpur. The remaining IITs did not provide the state wise data requested by the Petitioner in his RTI application. True copy of news report based on RTIs filed by the petitioner dated 02.08.2021 is annexed herewith as **ANNEXUERE P-7 (Pages to).**

6. GROUNDS

A. Because the IITs have violated the articles 14, 15, 16 and 21 of the Constitution of India. The relevant article are:

14. Equality before law. The State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India.

15. Prohibition of discrimination on grounds of religion, race, caste, sex or place of birth. The State shall not discriminate against any citizen on grounds only of religion, race, caste, sex, place of birth or any of them.

16. Equality of opportunity in matters of public employment. There shall be equality of opportunity for all citizens in matters relating to employment or appointment to any office under the State.

21. Protection of life and personal liberty. No person shall be deprived of his life or personal liberty except according to procedure established by law.

B. Because the Respondents no. 2 to 24 have violated the reservation policy that provides the reservation to historically marginalised communities belonging to the SC (15%), ST (7.5%), OBC (27%), and EWS (10%) categories.

C. Because the Respondents no. 2 to 24 violated Hon’ble Madras High Court order.

D. Because the Respondents no. 2 to 24 discriminated candidates from the North and Hindi-speaking states.

E. Because lack of transparency in faculty recruitment process, incapable and useless candidates replaced talented, reserved, north and Hindi speaking states candidates.

F. Because over 50 % IITs professors performances are below the desired level.

G. Because India's innovation index is very poor.

H. Because global ranking of IITs are very low and no IITs are among top 100 universities/institutions worldwide.

I. Because low and useless qualities of research by a large number of non-performing professors are significantly affecting the country's economic growth.

J. Because harassment significantly affects the students/scholars/researchers mental health. It also lowers the research performance of students/scholars/researchers. A healthy and friendly environment is desired.

K. In the past few years, large numbers of students have committed suicide and several thousand have left IITs without completing the degree.

PRAYER

In view of the aforesaid facts and circumstances, it is therefore, most respectfully prayed that this Hon'ble Court may kindly be pleased to: -

(a) issue a Writ of Mandamus or any other Writ, Order or Direction against the Respondents thereby directing the Respondents to cancel faculty appointment from June 2008 to the present date due to violation of the reservation norm, provide equal opportunity to north and Hindi speaking states candidates in faculty position.

(b) pass any other or further order which this Hon'ble Court may deem just and proper in the facts and circumstances of the present case to meet the ends of justice.

AND FOR THIS ACT OF KINDNESS, THE HUMBLE PETITIONER, AS IN DUTY BOUND, SHALL EVER PRAY

DRAWN AND FILED BY:

DR. SACHCHIDA NAND PANDEY

PETITIONER-IN-PERSON

DRAWN ON:

FILED ON: