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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Date of Decision: 18th August, 2026

CNR No. DLHC010353632026

+ **W.P.(C) 10988/2026**

COL TAHIR MUSTAFA

.....Petitioner

Through: Mr. Sanjay Jain, Senior Advocate
with Ms. Vatsala C. Chaturvedi, Mr.
Nishank Tripathi, Ms. Harshita
Sukhija, Ms. Rishika Agrawal and
Mr. Shreyan Srivastava, Advocates.

versus

JAMIA HAMDARD (DEEMED TO BE UNIVERSITY) & ANR.

.....Respondents

Through: Mr. Kirti Uppal, Senior Advocate
with Mr. Shobhau Mahanti, Mr.
Siddhant Katyal, Mr. Keshav Das M.
and Ms. Riya Gulati, Advocates for
R-1.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

JUDGMENT

SANJEEV NARULA, J. (Oral):

**CM APPL. 55105/2026 (to implement the decision of the executive council
dt.14.08.2026)**

1. Jamia Hamdard has filed this application seeking vacation of the interim order dated 4th August, 2026 and leave to implement the subsequent decision of its Executive Council dated 14th August, 2026. During the hearing, with the consent of Senior Counsel appearing for the parties, the writ petition itself was taken up on Board and heard finally.



2. In view of the final adjudication of the writ petition, the issues raised in this application do not survive for separate consideration. The application is, accordingly, disposed of.

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3. The petition was instituted against the Office Order dated 3rd August, 2026, whereby the Petitioner, Col. Tahir Mustafa, was prematurely repatriated from the post of Registrar, Jamia Hamdard, to his parent organisation, the Ministry of Defence. In the intervening period, the Executive Council, which the Petitioner maintains is the authority competent to take a decision concerning his continuance, considered the matter on 14th August, 2026 and unanimously resolved to repatriate him to his parent organisation. The principal question that now arises is whether the subsequent decision of the Executive Council constitutes an independent exercise of power by the competent statutory body, as contended by the Respondents, or is merely an attempt to validate the action already taken by the Vice-Chancellor, as contended by the Petitioner. The determination of this issue is central to the adjudication of the present petition.

Background

4. Jamia Hamdard is an institution deemed to be a University under Section 3 of the University Grants Commission Act, 1956. Its governance is regulated, *inter alia*, by the University Grants Commission (Institutions Deemed to be Universities) Regulations, 2023 [*“the 2023 Regulations”*].

5. On 11th March, 2025, the University advertised the post of Registrar in Pay Level 14, to be filled on tenure or deputation basis. The Executive Council, on the recommendation of the Selection Committee held on 14th May, 2025, approved the appointment of the Petitioner as Registrar on



deputation basis. An Offer of Appointment dated 21st May, 2025 was accordingly issued to him. He joined the University on 26th July, 2025.

6. The Petitioner was appointed initially for a period of three years, extendable by a further period of two years, subject to the terms and conditions accompanying it. Clause 7 of these terms and conditions assumes significance and reads as under:

“7. This offer on deputation basis is for an initial period of three years, extendable by a further two years, subject to mutual consent and approval of the parent organization.

(i) If you wish to leave Jamia Hamdard before completion of tenure, one month's notice or payment of salary in lieu thereof is required.

(ii) Jamia Hamdard reserves the right to repatriate your services to your parent organization at any time without assigning any reasons, on the basis of administrative/disciplinary or performance-related grounds or as per the request of your parent organization. In such cases, no notice or compensation shall be payable.”

7. The events preceding the repatriation arose from the 73rd Emergent Meeting of the Executive Council held on 22nd July, 2026. The meeting had been convened, *inter alia*, to consider the nomination of the Executive Council's representative to the Search-cum-Selection Committee for appointment of the Vice-Chancellor.

8. The record discloses a disagreement as to what actually transpired at that meeting. The minutes placed on record indicate the proceedings as having been adjourned for further deliberation at the next sitting. The Petitioner, however, relies upon a contemporaneous email dated 23rd July, 2026 addressed by Prof. Ravindra Kumar Gupta, the UGC nominee on the Executive Council, to the Petitioner and the Officiating Vice-Chancellor, stating that the minutes did not correctly reflect the proceedings and decision



and that Prof. Faizan Mustafa had been nominated by a vote of nine to two. Prof. Gupta accordingly requested correction of the minutes.

9. The Court does not propose to resolve that controversy. Its relevance to the present proceedings is more limited. The Petitioner relies upon the sequence of events following the meeting in support of his allegation that the repatriation was retaliatory.

10. On 24th July, 2026, the Officiating Vice-Chancellor issued a show-cause notice questioning the conduct of the Petitioner during the meeting. Among other things, the notice alleged that a vote had been conducted and its outcome announced without any direction or approval of the Chair, and that the minutes had been prepared and circulated without his consent. The Petitioner was called upon to show cause why appropriate disciplinary action should not be initiated against him.

11. The Petitioner submitted a detailed reply on 3rd August, 2026. He denied having acted beyond his statutory functions and maintained that his role was confined to facilitating the conduct of the meeting and maintaining a record of the proceedings and decisions of the Executive Council. He also disputed the allegation that the minutes had been circulated without the approval of the Chair.

12. On 3rd August, 2026, the impugned Office Order was also issued. It referred to Clause 7(ii) of the terms of appointment and stated that the Vice-Chancellor, having considered the administrative requirements of the University and being satisfied that immediate action was necessary, had exercised powers under Regulation 23C(2) of the 2023 Regulations. The Petitioner's deputation was terminated, and he was relieved and repatriated to his parent organisation, with immediate effect.



Proceedings before this Court

13. The Petitioner approached this Court on 4th August, 2026, questioning, *inter alia*, the authority of the Officiating Vice-Chancellor to prematurely repatriate him, contending that the decision ought to have been taken by the Executive Council, which had approved his appointment as Registrar. He also relied upon the Office Memorandum [“O.M.”] dated 17th June, 2010 issued by the Department of Personnel and Training [“DoPT”], which, according to him, stipulates three months’ prior notice for premature repatriation of a deputationist.

14. At that stage, the Court found that the matter required consideration and was of the *prima facie* view that the Petitioner had made out a case for interim protection. The operation of the Office Order dated 3rd August, 2026 was, accordingly, stayed.

15. Certain events which followed resulted in contempt proceedings before this Court. Those proceedings were disposed of on 12th August, 2026. Of significance is paragraph 11 of the said order. While directing that the issues arising from a separate show-cause notice dated 6th August, 2026 and the connected Office Orders not be deliberated upon at the forthcoming meeting of the Executive Council, the Court clarified:

“The Executive Council shall be at liberty to consider any other agenda item, including the issue relating to the Office Order dated 03rd August, 2026, in accordance with law.”

16. The rights and contentions of the parties with regard to the outcome of any such deliberations by the Executive Council were expressly left open.

17. The Executive Council thereafter met on 14th August, 2026. An additional agenda was placed before it concerning the continuation or



repatriation of the Petitioner. The Council considered the terms and conditions governing the Petitioner's deputation, the administrative record, the show-cause notice dated 24th July, 2026 and the Petitioner's reply dated 3rd August, 2026. It also took note of the pendency of this writ petition, the interim order dated 4th August, 2026 and the DoPT O.M. dated 17th June, 2010.

18. Of particular significance is the manner in which the Executive Council characterised its consideration. The minutes record:

"The EC considered the question of continuation of the deputation independently, on its own merits and in exercise of its own authority, without treating the Office Order dated 03.08.2026 as the basis of its consideration. After deliberation and consideration of the overall administrative circumstances and institutional requirements of the University, the Executive Council was of the considered view that continuation on deputation of Col. Tahir Mustafa as Registrar is not conducive to efficient administration and institutional interest of Jamia Hamdard."

19. The Executive Council further recorded that its consideration of the administrative record, including the show-cause notice dated 24th July, 2026, was confined to determining whether the Petitioner's deputation should continue and did not constitute an adjudication of the allegations contained therein or a finding of inappropriate conduct on the part of the Petitioner.

20. The Executive Council eventually resolved unanimously that:

"(i) The deputation services of Col. Tahir Mustafa be repatriated to his parent department i.e. Ministry of Defence in terms of Clause 7(ii) of the terms and conditions governing the deputation and any other applicable rules.

(ii) The decision of the Executive Council be communicated to his parent Department/Cadre Controlling Authority by the Vice Chancellor through an Official letter with a request to recall/accept his repatriation at the earliest, on administrative grounds as per rules under intimation to Col. Tahir Mustafa.

(iii) The aforesaid decisions shall be implemented in accordance with law and subject to any order or direction of the Hon'ble High Court of Delhi."



21. The subsequent decision of the Executive Council, and the effect of that decision on the challenge to the earlier Office Order dated 3rd August, 2026, now fall for consideration along with the principal challenge in the writ petition.

Petitioner's Contentions

22. In support of the petition, Mr. Sanjay Jain, Senior Counsel appearing for the Petitioner, makes the following submissions:

22.1. The resolution dated 14th August, 2026 does not alter the position in any material respect. The Executive Council has merely placed its imprimatur upon a decision already taken by the Vice-Chancellor. The recital that the Executive Council acted independently cannot conceal the substance of the exercise. The minutes repeatedly refer to the show-cause notice, the Petitioner's reply, the decision of the Vice-Chancellor and the grounds recorded by him on file. The subsequent decision therefore remains, in substance, a ratification of an act which was void for want of authority.

22.2. Reliance is placed upon ***Marathwada University v. Seshrao Balwant Rao Chavan***¹. The Supreme Court held that where a statute entrusts a power to a designated authority, the power must be exercised by that authority and cannot be assumed by another in the absence of valid delegation. An act performed without statutory authority cannot be cured by subsequent ratification.

22.3. Reliance is also placed upon ***V.C., Banaras Hindu University & Ors. v. Shrikant***². The subsequent decision of the Executive Council in that case did not cure the earlier order passed without jurisdiction, as the later exercise

¹ (1989) 3 SCC 132.



had not independently addressed the matter and the post-decisional consideration was illusory.

22.4. The subsequent consideration by the Executive Council also does not satisfy the requirements of natural justice. If the Executive Council was the competent authority, it was incumbent upon that body to independently identify the grounds on which premature repatriation was contemplated, put those grounds to the Petitioner, consider his response and thereafter take a decision. The Council could not simply take on record the show-cause notice issued by the Vice-Chancellor and the reply furnished thereto.

22.5. The Petitioner's tenure could not be truncated by a bare administrative assertion. He was appointed pursuant to an open selection process. Regulation 23F(2) of the 2023 Regulations prescribes a tenure for the office of Registrar, while the terms of his appointment contemplated an initial deputation of three years, extendable by a further two years. A premature return, carrying serious consequences for the Petitioner, was therefore required to satisfy the requirements of fairness.

22.6. The sequence of events also demonstrates *mala fides*. The events of 22nd July, 2026, the email dated 23rd July, 2026 from the UGC nominee, the show-cause notice issued on 24th July, 2026 and the repatriation order dated 3rd August, 2026 are relied upon in this regard. The proximity of these events cannot be dismissed as coincidental. The Petitioner had resisted what he considered to be an attempt to interfere with or manipulate the proceedings of the Executive Council concerning its nominee to the Search-cum-Selection Committee, and his removal followed shortly thereafter.

22.7. The Ministry of Defence, being the Petitioner's parent department,

² (2006) 11 SCC 42.



also objected to the manner in which he had been abruptly repatriated following the order dated 3rd August, 2026. It was stated that his unilateral return would cause management difficulties and undue stress, and the University was requested to permit him to continue until 25th July, 2027.

22.8. Paragraph 9 of the DoPT O.M. dated 17th June, 2010 specifically contemplates that, where premature reversion of a deputationist is proposed, his services may be returned to the parent cadre only after giving advance notice of at least three months to the lending Ministry/Department and the employee concerned. The requirement contained in the said O.M. applies notwithstanding the stipulation in Clause 7(ii) of the terms of appointment.

University's Contentions

23. Opposing the petition, Mr. Kirti Uppal, Senior Counsel for Jamia Hamdard, submits as follows:

23.1. The events of 14th August, 2026 have materially altered the position which existed when interim protection was granted. The Petitioner's central objection at that stage was that the Vice-Chancellor was not the appointing authority and that only the Executive Council could decide whether a Registrar appointed by it should continue. That very authority has now considered the matter and reached a unanimous decision.

23.2. The decision does not amount to ratification. The minutes expressly state that the Executive Council acted independently, on its own merits and in exercise of its own authority, without treating the earlier Office Order as the basis of its determination. The fact that the Executive Council reached the same conclusion as the Vice-Chancellor does not convert its decision into a ratification.

23.3. No disciplinary penalty has been imposed. The Petitioner continues to



hold his substantive position in the Army and would return to his parent cadre upon repatriation. The Executive Council has deliberately refrained from recording any finding of misconduct and has acted only upon its assessment of the administrative requirements and institutional interest of the University.

23.4. The terms of appointment themselves reserve a right to repatriate the Petitioner on administrative grounds. A deputationist cannot insist that the borrowing organisation retain his services against its considered institutional assessment.

23.5. On the requirement of three months' notice, and without prejudice to the University's contention that Clause 7(ii) permits repatriation without notice, the University is willing to extend to the Petitioner the benefit of a period of three months under the DoPT O.M. dated 17th June, 2010. The period may be reckoned from 3rd August, 2026.

23.6. During this intervening period, the administration of the University should not suffer. The Petitioner, so long as he continues to hold the office of Registrar, must discharge his responsibilities within the institutional framework prescribed by the 2023 Regulations and in accordance with lawful directions of the competent authorities of the University.

Analysis

Effect of Subsequent Events

24. The Court has considered the matter against a record which materially differs from that which existed on 4th August, 2026.

25. The interim order was passed at a stage when the repatriation rested entirely upon an order of the Officiating Vice-Chancellor. A substantial challenge was raised to his authority to take that decision. That challenge



had evident force at the interim stage, since the Executive Council is, under Regulation 13, the principal executive body and the final decision-making body in administrative and personnel matters. The Registrar is himself appointed by the Executive Council under Regulation 23F.

26. The intervening order dated 12th August, 2026 is important for this reason. Far from foreclosing further consideration, the Court specifically left the Executive Council at liberty to consider the issue arising from the Office Order dated 3rd August, 2026, in accordance with law. The Executive Council thereafter did so.

Whether the Executive Council's decision amounts to ratification

27. The Petitioner is correct in submitting that an exercise of statutory power without authority cannot be sustained by subsequent ratification. **Marathwada University** is clear on this principle. In that case, the Vice-Chancellor had exercised a disciplinary power which was conferred upon the Executive Council, and the Executive Council subsequently purported to ratify the action taken by him. The Supreme Court held that the principles of ratification applicable in the law of agency have no application to the exercise of powers conferred under statutory provisions. A statutory authority cannot travel beyond the power conferred upon it, and an action taken without such power has no legal validity; it is *ab initio* void and cannot be ratified.

28. The Court has no reason to depart from that principle. A statutory power entrusted to one authority cannot be exercised by another and then retrospectively validated by mere approval. If the initial act was without jurisdiction, subsequent ratification cannot ordinarily supply the jurisdiction that was absent when the act was done.



29. The difficulty for the Petitioner, however, lies in the premise of his argument. It proceeds on the assumption that the Executive Council's decision was only a ratification of the Vice-Chancellor's earlier order. On the record before the Court, that assumption is not borne out.

30. The distinction is substantive, not merely semantic. The Executive Council did not resolve that the Office Order dated 3rd August, 2026 stood approved, confirmed or validated. It recorded precisely the contrary: that the question of continuation of the Petitioner's deputation was being considered independently, on its own merits and in exercise of the Council's own authority, "*without treating the Office Order dated 03.08.2026 as the basis of its consideration*".

31. The Council then undertook its own assessment of the administrative circumstances and institutional requirements of the University. On that basis, it concluded that the Petitioner's continued deputation was not conducive to efficient administration or to institutional interest.

32. The fact that the Council examined material which had earlier been placed before the Vice-Chancellor does not, by itself, alter the character of the exercise. Nor does the fact that both authorities ultimately reached the same conclusion. Independence of decision-making is not tested by asking whether the competent authority arrived at a different result. The relevant inquiry is whether that authority applied its own mind to the matter entrusted to it and assumed responsibility for the decision.

33. The Council considered the appointment terms, the DoPT instructions, the Petitioner's reply, the pending writ proceedings, the interim order and the institutional record. It then took a unanimous decision in exercise of its own statutory position. An authority does not lose the



capacity to decide merely because another authority had earlier expressed a view on the same subject.

34. ***Shrikant*** does not lead to a different conclusion. In that case, the Supreme Court found that the Vice-Chancellor had no jurisdiction to terminate the respondent's services and that the initial order passed by him was a nullity. The subsequent approval purportedly granted by the Executive Council could not cure that defect. The Supreme Court further found that the Vice-Chancellor had failed to consider whether the respondent was otherwise entitled to leave and appeared to have made up his mind to impose the punishment of dismissal. In those circumstances, the post-decisional hearing was held to be illusory.

35. The present case stands on a different footing. The Executive Council was convened after this Court had expressly preserved its liberty to consider the matter. The minutes disclose a fresh decision by the competent body, in exercise of its own authority, and not a retrospective validation or approval of the Vice-Chancellor's earlier order. The defect identified in ***Marathwada University*** and ***Shrikant***, namely, an exercise of power by an authority lacking the requisite jurisdiction followed by a purported ratification or approval by another authority, does not arise in the present case.

36. There is consequently no occasion for the Court to decide whether the Vice-Chancellor could, on 3rd August, 2026, have independently invoked Regulation 23C(2) to repatriate the Petitioner. That issue no longer determines the Petitioner's continuance. The basis of the Petitioner's repatriation is now the decision of the Executive Council.

Nature and extent of the Petitioner's right to continue on deputation

37. That brings the Court to the Petitioner's contention based upon tenure.



The argument requires some care. It would be too broad to say that a deputationist never has an enforceable interest in the period for which he is sent on deputation.

38. In *Kunal Nanda v. UOI & Anr.*³, the Supreme Court held that a deputationist has no vested right to continue on deputation and that he can be repatriated to his parent department. In *UOI & Anr. v. V. Ramakrishnan & Ors.*⁴, the Supreme Court clarified that, although a deputationist has no indefeasible right to hold the deputation post, where the tenure is specified, it should ordinarily not be curtailed except on just grounds, such as unsuitability or unsatisfactory performance.

39. Recently, a Division Bench of this Court in *Monu Sharma & Ors. v. UOI & Ors.*⁵, considered these principles in the context of premature repatriation. The Court held that a deputationist has no right to continue on the deputation post until expiry of the deputation period, unless there is an express stipulation in the applicable Rules or other provisions proscribing such premature repatriation. It further held that the examples of “unsuitability” and “unsatisfactory performance” referred to in *V. Ramakrishnan* do not exhaust the category of just grounds for curtailment of a specified tenure. In that case, the Division Bench found that the operational requirements of the National Disaster Response Force constituted a consideration which could not be treated as unjust and did not interfere with the decision to repatriate the deputationists in a phased manner.

40. The present case contains an additional feature. The terms accepted

³ (2000) 5 SCC 362.

⁴ (2005) 8 SCC 394.



by the Petitioner expressly contemplate premature repatriation. Clause 7(ii) expressly authorises the University to repatriate the Petitioner to his parent organisation on administrative, disciplinary or performance-related grounds, or at the request of the parent organisation. The clause cannot, of course, be understood as conferring an unfettered discretion. Its exercise remains subject to judicial review on the anvil of Article 14 and the governing statutory framework. Its presence is nevertheless significant. It answers the suggestion that the initial tenure carried an assurance that, irrespective of subsequent circumstances, the University was bound to retain the Petitioner for the entirety of that period.

41. Regulation 23F(2), which prescribes a five-year term for a Registrar, does not alter that conclusion. In the case of the Petitioner, the appointment on deputation was structured as an initial period of three years, extendable by a further two years, and was expressly made subject to premature repatriation under Clause 7(ii) of the terms of appointment. Regulation 23F(2) does not contain any stipulation prohibiting the premature repatriation of a Registrar appointed on deputation. A fixed tenure and a power of premature repatriation on a legally sustainable ground are not mutually destructive concepts.

42. The Court is also conscious of the distinction drawn by the Supreme Court in *Ashok Kumar Ratilal Patel v. UOI & Anr.*⁶, between a transfer on deputation and an appointment on deputation following a process of selection. In the latter case, the protections of Articles 14 and 16 apply, and a person selected and offered appointment on deputation has a right to be

⁵ 2025 SCC OnLine Del 10100.

⁶ (2012) 7 SCC 757.



treated fairly and equally and not to be subjected to arbitrary action. That decision, however, was concerned with the withdrawal of an offer of appointment before the selected candidate could join. The question before this Court is different: whether, after such appointment has been made, the Petitioner's specified period of deputation precludes premature repatriation where the terms governing his appointment expressly contemplate such repatriation on administrative grounds.

43. The Executive Council has recorded that the Petitioner's further continuation is not conducive to efficient administration and the institutional interest of the University. Read in isolation, such language might appear general. It cannot, however, be divorced from the structure of Clause 7(ii), the administrative record considered by the Council and, importantly, the Council's refusal to treat the matter as a determination of misconduct.

Natural Justice

44. Mr. Jain's submission that a fresh show-cause notice ought to have been issued by the Executive Council also cannot be accepted in the form in which it is advanced. The Petitioner was already aware of the factual matters which had led the University to question his continuance. He received the notice dated 24th July, 2026 and gave an elaborate response running into several pages. That response was itself placed before and considered by the Executive Council before it took its decision.

45. It is true that the notice was issued by the Vice-Chancellor. But the consequence urged by the Petitioner does not follow. The fact that a notice originated from an authority whose competence to order repatriation was disputed does not erase the explanation subsequently furnished by the Petitioner. The relevant question is whether, before the competent authority



acted, the Petitioner had been denied an opportunity to answer the material relied upon against him, which the record shows he was not.

46. More importantly, the Executive Council did not adjudicate the allegations contained in the notice. Its minutes expressly state that consideration of the show-cause material was for the limited purpose of deciding whether the deputation should continue and “*did not constitute an adjudication of the allegations contained therein or a finding of inappropriate conduct*”.

47. That distinction is material. Had the Executive Council sought to impose a disciplinary penalty upon the Petitioner, or to repatriate him on the basis of a finding of misconduct, a different question of procedural protection would arise. The decision taken, however, was an administrative determination that the Petitioner’s continued deputation was not conducive to efficient administration and institutional interest of the University.

48. Natural justice is meant to secure a fair opportunity, not to compel repetition of a process which has already placed the affected person’s explanation before the authority that ultimately decides the matter. On these facts, requiring the Executive Council to repeat the exercise by issuing another notice on substantially the same record, inviting another reply and thereafter reconvening to consider the same question would reduce the requirement of natural justice to a matter of form.

Mala Fides and the events of 22nd July, 2026

49. The allegation of *mala fides* requires closer attention because the chronology relied upon by the Petitioner is not fanciful. A dispute arose in the Executive Council meeting on 22nd July, 2026. A UGC nominee wrote on 23rd July, 2026 disputing the minutes. A show-cause notice followed on



24th July, 2026. The Petitioner replied on 3rd August, 2026 and was directed to be repatriated on the same day.

50. That sequence was sufficient to warrant the scrutiny which the matter received on 4th August, 2026. It explains the grant of interim protection. It does not, however, conclude the inquiry which the Court must undertake after the subsequent events.

51. The decision now under consideration is not the unilateral act of the Vice-Chancellor. It is a unanimous resolution of the Executive Council. The Council considered the matter after the order of this Court dated 12th August, 2026. The record does not establish that the members who participated in that collective decision acted at the dictation of any individual or for a collateral purpose.

52. The earlier chronology may generate suspicion concerning the immediacy with which the first repatriation order was made. Suspicion, however, cannot by itself displace a subsequent exercise of statutory power by the competent collective body when the record of that exercise discloses independent consideration.

The Communication of the Ministry of Defence

53. The communication of the parent department has also been considered. The Ministry of Defence objected to the abrupt return of the Petitioner and requested that he be permitted to continue until 25th July, 2027.

54. The views of the parent organisation are entitled to due weight, particularly because deputation involves the lending organisation, the borrowing organisation and the employee. They cannot, however, oblige a borrowing institution to retain an officer after its competent governing body



has concluded that the deputation should not continue.

55. The substantive service of the Petitioner remains with the Ministry of Defence. His repatriation restores him to that cadre. It neither terminates his employment nor extinguishes any substantive post held by him there. The request of the Ministry may therefore bear upon the manner and timing of his return. It cannot create an indefeasible right to continue in Jamia Hamdard until July 2027.

The Period of Three Months

56. One issue remains. Paragraph 9 of the DoPT O.M. dated 17th June, 2010 contemplates advance notice of at least three months to the lending Ministry or Department and to the employee where premature reversion is proposed. The University disputes the applicability of that requirement in view of Clause 7(ii), which states that no notice is required.

57. That conflict does not require determination in this case. Mr. Uppal has, without prejudice to the University's position, fairly stated that the University will extend to the Petitioner the benefit of the period of three months contemplated by the O.M. The Court considers it appropriate to hold the University to that statement.

58. The only question is the date from which the period should run. Mr. Uppal suggests 3rd August, 2026. The Court is unable to accept that part of the submission. The very basis on which the resolution dated 14th August, 2026 has been sustained is that it is a fresh decision of the competent authority and not a ratification of the earlier action of the Vice-Chancellor. It would be inconsistent to regard that decision as independent for the purpose of authority, but retrospective for the purpose of notice. The relevant date must therefore be 14th August, 2026, when the Executive Council itself



decided that the Petitioner's deputation should not continue. The University may consequently give effect to the resolution upon expiry of a period of three months reckoned from 14th August, 2026.

Position during the Intervening Period

59. Mr. Uppal has expressed apprehension that the functioning of the University should not be impeded during this period. No special regime needs to be introduced by the Court for that purpose. The 2023 Regulations already define the relationship between the Registrar and the Vice-Chancellor.

60. Regulation 23F(5) states that the Registrar "*shall be directly responsible to the Vice-Chancellor and work under his or her direction*". At the same time, the Regulations entrust the Registrar with specific statutory responsibilities, including custody of records, maintenance of minutes and official correspondence of the authorities of the University.

61. Until expiry of the period indicated above, the Petitioner shall continue to discharge the functions of Registrar in accordance with the 2023 Regulations, the terms governing his appointment and lawful directions issued by the competent authorities of the University. The University shall correspondingly permit him to perform those functions during that period.

Conclusion & Directions

62. In view of the findings recorded hereinabove, the resolution dated 14th August, 2026 of the Executive Council shall govern the Petitioner's repatriation. The Office Order dated 3rd August, 2026 shall not operate as an independent basis for his repatriation.

63. In view of the statement made on behalf of the University concerning paragraph 9 of the DoPT O.M. dated 17th June, 2010, the Petitioner shall



continue to discharge the functions of Registrar for a period of three months reckoned from 14th August, 2026. Upon expiry of the said period, the University shall be at liberty to give effect to the resolution of the Executive Council dated 14th August, 2026 and repatriate the Petitioner to his parent organisation, in accordance with law.

64. During the aforesaid period, the Petitioner shall continue to discharge the functions of Registrar in accordance with the 2023 Regulations, the terms governing his appointment and lawful directions issued by the competent authorities of the University. The University shall correspondingly permit him to perform those functions during the said period.

65. The writ petition is disposed of in these terms. Pending application(s), if any, shall also stand disposed of.

66. The interim order dated 4th August, 2026 shall stand merged in this judgment.

67. The next date of hearing i.e., 29th September, 2026, stands cancelled.

SANJEEV NARULA, J

AUGUST 18, 2026/hc