

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1543 of 2018

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1. Pankaj Kumar, Son of Shri Awadh Kishore Prasad, Resident of House No. A/183, P.C. Colony, Kankerbagh, District- Patna.
 2. Md. Sabir, Son of Late Mohammad Shaikh Nayeemuddin, Resident of Sahamat Hussain Lane, Islam Nagar, Bhikanpur, Gumti No.3, District- Bhagalpur.

... .. Petitioner/s

Versus

1. The Chancellor Of Universities Of Bihar, Raj Bhawan, Patna.
2. Tilka Manjhi Bhagalpur University, Bhagalpur through its Registrar.
3. Vice Chancellor, Tilka Manjhi Bhagalpur University, Bhagalpur.
4. Registrar, Tilka Manjhi Bhagalpur University, Bhagalpur.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 1891 of 2018

Harsh Vardhan Dixit Son of Shri Nand Kishore Dixit Resident of Baghuwa tola, Olapur, Pirpainti, P.S. Pirpainti, District Bhagalpur.

... .. Petitioner/s

Versus

1. The Chancellor Of University Of Bihar, Raj Bhawan, Patna.
2. Tilka Manjhi Bhagalpur University, Bhagalpur, through its Registrar.
3. The Vice-Chancellor, Tilka Manjhi Bhagalpur University, Bhagalpur.
4. The Registrar, Tilka Manjhi Bhagalpur University, Bhagalpur.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 1896 of 2018

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1. Pramod Kumar, Son of Shri. S.N. Sharma Resident of Quarter No. T.H 23, Asanandpur, Professor's Colony, P.O. City Post Office, District- Bhagalpur.
 2. Prabhakar Dutta Son of Shri Abhay Kumar Dutta Resident of Near Gangotri Apartment, Jhauwa Kothi Campus, Choti Khanjarpur, P.S. Barari, District Bhagalpur.

... .. Petitioner/s

Versus

1. The Chancellor Of Universities Of Bihar , Raj Bhawan, Patna.



2. Tilka Manjhi Bhagalpur University, Bhagalpur, through its Registrar.
3. The Vice-Chancellor, Tilka Manjhi Bhagalpur University, Bhagalpur.
4. The Registrar, Tilka Manjhi Bhagalpur University, Bhagalpur.

... .. Respondent/s

with
Civil Writ Jurisdiction Case No. 1906 of 2018

1. Md. Quamar Ahsan, son of late Md. Ahsan resident of Sahebganj, P.O. Champanagar, P.S. - University, District - Bhagalpur.
2. Shayamashish Kumar son of late Suresh Prasad Kumar resident of At P.O. - Tulsipur, P.S. - Kharik, District - Bhagalpur.

... .. Petitioner/s

Versus

1. The Chancellor Of Universities Of Bihar, Raj Bhawan, Patna.
2. Tilka Manjhi Bhagalpur University, Bhagalpur through its Registrar.
3. Vice Chancellor, Tilka Manjhi Bhagalpur University, Bhagalpur.
4. Registrar, Tilka Manjhi Bhagalpur University, Bhagalpur.

... .. Respondent/s

with
Civil Writ Jurisdiction Case No. 2047 of 2018

Dr. Mithilesh Kumar Yadav Son of Late Ramdhani Yadav, Resident of at-
Parbatti, P.S.- University, District- Bhagalpur.

... .. Petitioner/s

Versus

1. The Chancellor of Universities Of Bihar, Raj Bhawan, Patna.
2. Tilka Manjhi Bhagalpur University, Bhagalpur through its Registrar.
3. Vice Chancellor, Tilka Manjhi Bhagalpur University, Bhagalpur.
4. Registrar, Tilka Manjhi Bhagalpur University, Bhagalpur.

... .. Respondent/s

Appearance :

(In Civil Writ Jurisdiction Case No. 1543 of 2018)

For the Petitioner/s : Mr. Abhinav Srivastava, Sr. Adv.
Md. Tauseef Waquar, Adv.
Mr. Pushkar Bhardwaj, Adv.

For the Respondent/s : Mr. Rajendra Kumar Giri, Adv.

(In Civil Writ Jurisdiction Case No. 1891 of 2018)

For the Petitioner/s : Mr. Abhinav Srivastava, Sr. Adv.
Md. Tauseef Waquar, Adv.



For the Respondent/s	:	Mr. Pushkar Bhardwaj, Adv. Mr. Rajendra Kumar Giri, Adv. (In Civil Writ Jurisdiction Case No. 1896 of 2018)
For the Petitioner/s	:	Mr. Abhinav Srivastava, Sr. Adv. Md. Tauseef Waquar, Adv. Mr. Pushkar Bhardwaj, Adv.
For the Respondent/s	:	Mr. Rajendra Kumar Giri, Adv. (In Civil Writ Jurisdiction Case No. 1906 of 2018)
For the Petitioner/s	:	Mr. Abhinav Srivastava, Sr. Adv. Md. Tauseef Waquar, Adv. Mr. Pushkar Bhardwaj, Adv.
For the Respondent/s	:	Mr. Rajendra Kumar Giri, Adv. (In Civil Writ Jurisdiction Case No. 2047 of 2018)
For the Petitioner/s	:	Mr. Abhinav Srivastava, Sr. Adv. Md. Tauseef Waquar, Adv. Mr. Pushkar Bhardwaj, Adv.
For the Respondent/s	:	Mr. Rajendra Kumar Giri, Adv.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
CAV JUDGMENT

Date: 09-12-2025

Heard learned counsel for the petitioners and learned counsel for the respondents in all the writ applications.

2. In all the writ applications, the petitioners have prayed for quashing office order 508/2017, dated 12-12-2017, issued by the Registrar of the University, by which, previous office orders appointing/absorbing the different petitioners against different posts in the services of the University has been withdrawn.

3. Since common question of law is involved in all writ applications, therefore, they are heard together and are being disposed of by this common judgment. For the sake of convenience and brevity, the facts of CWJC No. 1543 of 2018 are only being noticed, unless otherwise indicated.



FACTS OF THE CASE

4. The case of the petitioners inter alia is as follows:

(i) The petitioners in CWJC No. 1543 of 2018 (Pankaj Kumar & Anr.) state that pursuant to an advertisement dated 14.08.2006 (*Annexure 1*) issued by the University inviting applications for the post of Junior Engineer on contractual basis, they applied, participated in the selection process and were duly selected. Appointment letters were issued to them vide Office Order No. 220/2006 dated 28.10.2006 placing them as Junior Engineers on a fixed consolidated remuneration for a period of 11 months. A copy of the composite appointment order has been brought on record as Annexure-2 to the writ application. The petitioners joined their respective posts and continued to work (*Annexure 3*). Their contractual engagement was extended from time to time by the competent authorities of the University (*Annexure 4*).



(ii) During the currency of their contractual service, the petitioners submitted representations before the University authorities as well as before the Hon'ble Chancellor for their absorption/regularisation against sanctioned vacant posts of Junior Engineer (*Annexure 5*). It is pleaded that in respect of several similarly situated employees, the Hon'ble Chancellor had earlier issued directions for regularisation, and those directions had been acted upon by the University (*Annexure 6*).

(iii) In so far as the present petitioners are concerned, it is stated that the Registrar of the University, taking note of their continuous satisfactory service and availability of sanctioned posts, sent a proposal recommending their absorption in regular service (*Annexure 9*). Thereafter, by Office Order No. 332/2013 dated 20.12.2013, the petitioners were absorbed in the regular establishment of the University on the posts of



Junior Engineer. The said absorption order has been brought on record as Annexure-10 to the writ petition. In pursuance thereof, their pay was fixed, they were brought on the regular pay-roll and they continued to function as Junior Engineers in the regular cadre.

(iv) The petitioners assert that they discharged their duties without any complaint or blemish until the impugned Office Order No. 508/2017 dated 12.12. 2017 suddenly came to be issued by the University, whereby the earlier orders of absorption/regularization of the petitioners and several other employees (petitioners of other writ applications) were cancelled. The impugned order refers to an enquiry ordered by the Hon'ble Chancellor into the actions of the then In-charge/Acting Vice-Chancellor of the University for the period 26.04.2013 to 28.02.2014, and to letters dated 21.8.2017 and 06.09.2017 issued from the Governor's Secretariat. The common impugned order dated 12.12.2017 has been



brought on record and challenged by the petitioners.”

5. It is the categorical case of the petitioners that no notice, no show-cause and no opportunity of hearing was afforded to any of them before passing the impugned order dated 12.12.2017. The petitioners state that the report of the Enquiry Committee headed by the Hon’ble Justice (Retd.) Sri Akhilesh Chandra and another member, Dr. Prema Jha, was also never supplied to them. The letters bearing no. TMBU-15/2017-2024/GS(I) dated 21.8.2017 and letter no. TMBU-15/2017-2545/GS(I) dated 06.09.2017 issued by the office of Governor’s Secretariat, Bihar although have been brought on record as Annexure-C series to counter affidavit but even these letters which have formed the basis for issuance of the impugned order were never supplied to the petitioners.

6. The petitioners further plead that they had no notice of the terms of reference of the said Committee, were not associated with the enquiry in any manner and were never called upon to explain or justify either their initial engagement or their subsequent absorption. According to them, the impugned order has been passed entirely behind their back and in complete disregard to the principles of natural justice.



7. In the connected writ applications, the basic factual narrative is similar, save and except the dates and nature of initial engagement. In CWJC No. 1891 of 2018, the petitioner was appointed in the self-financing scheme of T.N.B. College, Bhagalpur on 02.06.2003, and his services were subsequently regularized by Office Order dated 15.06.2013. In CWJC No. 1896 of 2018, the petitioners were engaged on contractual basis on 18.01.2005 and in 1999 respectively, and though their services were discontinued at one stage, they were later regularized vide Office Order dated 12.09.2013. In CWJC No. 1906 of 2018, the petitioners were engaged on temporary basis on 06.09.2001, and were regularized by Office Order dated 24.12.2013, notwithstanding that their services had earlier been terminated on 06.10.2010. In CWJC No. 2047 of 2018, the petitioner was directed to work as Library Assistant on 29.06.1998 and was later absorbed as Assistant in the Post-Graduate Department of Sociology by Office Order dated 10.12.2013. The respective orders of regularization/absorption in those cases have similarly been brought on record as annexures to the respective writ applications and are also covered by the impugned Office Order No. 508/2017 dated 12.12.2017 (*Annexure-11 in CWJC no.1543/2018*).



PETITIONERS' SUBMISSIONS

8. Learned counsel for the petitioners submits that the impugned order dated 12.12.2017 has been passed in gross violation of the principles of natural justice. It is submitted that:

- no show-cause notice was issued to any of the petitioners before recalling their absorption orders;
- no opportunity of hearing, oral or written, was granted;
- the enquiry report and the communications from the Governor's Secretariat (Annexure-C series) were never supplied to them; and
- the petitioners were never confronted with any allegation of illegality in their initial engagement or subsequent absorption.

9. It is urged that the petitioners first came to know of the alleged grounds of "illegality" only from the pleadings and written submissions of the respondents in these writ proceedings. On the date when their absorption orders were cancelled, they had no means of knowing why such drastic action was being proposed



or taken against them. It is contended that the very foundation of the impugned order was withheld from them, thereby rendering it void.

10. Learned counsel further submits that the impugned order is wholly non-speaking so far as the petitioners are concerned. The order merely makes a general reference to the enquiry and to the letters of the Governor's Secretariat but does not record any specific finding against any of the petitioners, does not analyze their individual cases; and also does not disclose any reason as to why the absorptions made under Office Orders dated 20.12.2013 was being treated as illegal. In the absence of reasons, it is argued, the impugned order is arbitrary and violative of *Article 14* and *Article 21* of the Constitution of India.

11. It is further submitted that this is not a case of fraud, forgery, false documents or any misrepresentation on the part of the petitioners. Their initial engagements, even if irregular in the perception of the University, were based on actual work performed for long periods; their absorption orders were issued by the competent authority of the University and acted upon for several years; and there is not even an allegation that the petitioners themselves procured their absorption orders by any fraudulent act. In such circumstances, the respondents could not have invoked any



so-called “exception” to the principles of natural justice on the plea that the appointments were “illegal ab initio”.

12. Learned counsel places heavy reliance upon the recent judgment of the Hon’ble Supreme Court in ***Basudev Dutta v. State of West Bengal & Ors. (Civil Appeal No. 13919 of 2024, decided on 05.12.2024)*** Paragraph no. 12.1 to 12.6 – requirement to supply reasons in administrative and quasi-judicial order and the requirement of providing personal hearing before order of termination.

13. Learned counsel also relies upon ***K. Prabhakar Hegde v. Bank of Baroda, 2025 SCC OnLine SC 1736, (Paragraphs 1–5 and 44)***, the Supreme Court reaffirmed the mandatory requirement of observance of the principles of natural justice, including the right to be heard, holding that violation of such principles renders the action void, and no separate proof of prejudice is required. In ***S.L. Kapoor v. Jagmohan & Ors., 1980 (4) SCC 379 (Paragraphs 17–24)*** lays down that observance of natural justice is necessary without showing any prejudice, as deprivation of principles of natural justice is itself a prejudice; a writ may not be issued to compel observance of natural justice only where, on admitted and indisputable facts, only one conclusion is possible and only one penalty is permissible.



14. On the strength of these decisions, it is contended that the University's attempt to justify the impugned action by relying on the alleged illegality of the absorptions cannot cure the jurisdictional defect arising from complete breach of natural justice and absence of reasons.

15. On merits, the petitioners submit that in CWJC No. 1543 of 2018 there was a proper advertisement and a selection process for contractual engagement as Junior Engineer; that sanctioned posts were available; that the Vice-Chancellor was the competent authority under the Bihar State Universities Act; and that the petitioners had put in long, unblemished service. They contend that, in any event, their absorptions cannot be treated as void ab initio so as to deprive them even of the basic procedural safeguards.

16. However, learned counsel for the petitioners submits that without going into the complexities of facts involved in all the writ applications, these writ applications can be disposed of on the limited grounds of:

- (i) violation of principles of natural justice, and
- (ii) non-speaking character of the impugned order, leaving the larger issue relating to the validity of the



absorptions open for fresh consideration by competent authority.

It is, therefore, urged that this Court need not pronounce upon the correctness of the Enquiry Committee's conclusions or upon the legality of the absorptions on merits.

RESPONDENTS' SUBMISSIONS (TMBU)

17. *Per Contra*, learned counsel appearing on behalf of the University and its officials, while relying upon the counter affidavits filed on their behalf, submits that in all these cases the petitioners' initial engagements and subsequent absorptions are wholly illegal and void ab initio.

18. Summarizing the stand as articulated, it is contended that:

- in CWJC No. 1543 of 2018, the petitioners were initially appointed on contractual basis on 28.10.2006 and were regularized by Office Order dated 20.12.2013 without following due process of law and without approval of the State Government under Section 35 of the Bihar State Universities Act, 1976;



- in CWJC No. 1891 of 2018, the petitioner was appointed in a self-finance BCA course on 02.06.2003 and regularised by order dated 15.06.2013, again without following any statutory procedure and without approval under Section 35 of the Bihar State Universities Act, 1976;

- in CWJC No. 1896 of 2018, the petitioners were engaged on contractual basis without advertisement or selection and were regularised on 12.09.2013 though the then Vice-Chancellor was only an In-charge Vice-Chancellor and not competent to take policy decisions, and there was no approval of the State Government or the Chancellor;

- in CWJC No. 1906 of 2018, the petitioners were engaged temporarily on 06.09.2001 without advertisement, their services were terminated on 06.10.2010 and there was thus no subsisting relationship of master and servant when they were purportedly regularised on 24.12.2013;

- in CWJC No. 2047 of 2018, the petitioner was asked to work as Library Assistant without any sanctioned post or pay and was suddenly absorbed as



Assistant w.e.f. 01.04.2005 by order dated 10.12.2013 without advertisement, without post and without approval under Section 35 of the Bihar State Universities Act, 1976.

19. It is argued that all the above absorptions were ordered by the then In-charge Vice-Chancellor during the period 26.04.2013 to 28.02.2014, when he was neither substantively appointed nor competent to take far-reaching policy decisions. The University contends that he misused his position and regularised dozens of employees “in haste”, in complete disregard of Section 35 of the Bihar State Universities Act, 1976, which mandates prior approval of the State Government for creation of posts and appointments against them.

20. Learned counsel submits that on the orders of the Hon’ble Chancellor, an Enquiry Committee headed by a retired Judge of this Court and Dr. Prema Jha as Member was constituted to enquire into the alleged illegalities and irregularities committed by the said In-charge Vice-Chancellor during the relevant period. The Committee, after a thorough enquiry, submitted its report on 16.12.2016, holding, inter alia, that the absorptions/regularisations of the present petitioners were made without advertisement, without open selection, without sanctioned posts and without



mandatory statutory approvals, and were therefore illegal. On the basis of this report and the letters dated 09.05.2017 and 06.09.2017 issued from the Governor's Secretariat (Annexure-C series of counter affidavit), the University issued the impugned Office Order No. 508/2017 dated 12.12.2017 (Annexure-11), cancelling all such absorptions.

21. On the legal plane, reliance is placed upon Section 35 of the Bihar State Universities Act, 1976, the Full Bench decision of this Court in *Braj Kishore Singh & Ors. v. State of Bihar & Ors.* 1997 (1) PLJR 509, the decision of the Hon'ble Supreme Court in *State of Bihar v. Bihar Rajya M.S.E.S.K.K. Mahasangh*, 2005 (1) PLJR 464 (SC), the Division Bench judgment in *Nand Lal Bhagat & Ors. v. State of Bihar & Ors.*, LPA No. 586 of 2013, the Division Bench in *State of Karnataka v. M.L. Keshri*, 2010(9) SCC 247, the Constitutional Bench in *Secretary, State of Karnataka v. Umadevi* 2006(1) SCC 1 and the Supreme Court's decision in *Upendra Singh v. State of Bihar*, 2018 (2) PLJR 91 (SC). It is contended that these authorities clearly hold that appointments made in violation of Section 35, without sanctioned posts and without Government approval, are invalid and confer no right of regularization.



22. Learned counsel further submits that the petitioners' appointments being ex facie illegal and void ab initio, there was no requirement in law to follow the principles of natural justice before cancelling the absorptions. For this proposition, reliance is placed on *Union of India & Anr. v. Raghuvar Pal Singh, 2018 (2) PLJR 211 (SC)*, the Full Bench decision of this Court in *Rita Mishra v. Director, Primary Education, Bihar, AIR 1988 Pat 26*, and a recent Single Judge decision reported in *2023 (1) PLJR 112*, where it has been held that in cases of illegal appointments, adherence to natural justice is not mandatory.

23. As regards the omission to supply the enquiry report, learned counsel submits that the impugned order amounts to a termination simpliciter of appointments which were void and illegal from inception. Placing reliance on *M.C. Mehta v. Union of India, (1999) 6 SCC 237* and *Aligarh Muslim University v. Mansoor Ali Khan, (2000) 7 SCC 529*, it is argued that even if there is a technical infraction of natural justice, the Court need not set aside the order if the quashing would result in the revival of another illegal order and the ultimate result would not change.

24. On these premises, it is urged that the impugned Office Order No. 508/2017 dated 12.12.2017 does not warrant interference and that the writ applications are liable to be



dismissed as no enforceable right flows from an appointment or absorption which is itself contrary to law and void ab initio.

ISSUES IN QUESTION

25. On the pleadings and rival submissions, the following issues arise for consideration:

(i) Whether the impugned Office Order No. 508/2017 dated 12.12.2017 cancelling the petitioners' absorption / regularization has been passed in violation of the principles of natural justice, inasmuch as no notice, show-cause or opportunity of hearing was afforded to the petitioners and the enquiry report as well as letters bearing no. TMBU-15/2017-2024/GS(I) dated 21.8.2017 and letter no. TMBU-15/2017-2545/GS(I) dated 06.09.2017 issued by the office of Governor's Secretariat, Bihar relied upon was not supplied to them?

(ii) Whether the impugned Office Order No. 508/2017 dated 12.12.2017 is vitiated for being a non-speaking and unreasoned order, passed without recording specific findings as against the petitioners and without independent application of mind?

(iii) Whether, having regard to the manner of their initial engagement and subsequent service, the petitioners' absorption/regularisation under Office Order No. 332/2013



dated 20.12.2013 and other analogous orders could, in law, be withdrawn and cancelled in the manner done, and whether the said absorptions can be treated as illegal or void ab initio?

(iv) Whether, in the facts and circumstances of the case and in view of the enquiry conducted into the actions of the then In-charge/Acting Vice-Chancellor, the University was justified in annulling the petitioners' absorption/regularisation solely on the basis of the said enquiry and communications from the Governor's Secretariat, without any independent consideration of the petitioners' individual cases?

FINDINGS

Issue (i): *Whether the impugned Office Order No. 508/2017 dated 12.12.2017 cancelling the petitioners' absorption/regularisation has been passed in violation of the principles of natural justice, inasmuch as no notice, show-cause or opportunity of hearing was afforded to the petitioners and the enquiry report as well as letters bearing no. TMBU-15/2017-2024/GS(I) dated 21.8.2017 and letter no. TMBU-15/2017-2545/GS(I) dated 06.09.2017 issued by the office of Governor's Secretariat, Bihar relied upon was not supplied to them?*

26. The admitted position on record is that prior to the issuance of the impugned Office Order No. 508/2017 dated



12.12.2017 (Annexure-11), no individual notice or show-cause was issued to any of the petitioners, no copy of the Enquiry Committee report dated 16.12.2016 and letters bearing no. TMBU-15/2017-2024/GS(I) dated 21.8.2017 and letter no. TMBU-15/2017-2545/GS(I) dated 06.09.2017 issued by the office of Governor's Secretariat, Bihar were supplied to them, and they were never called upon to explain the alleged illegality in their initial engagement or absorption. This is conceded by the University, which proceeds on the premise that in cases of illegal appointments, natural justice need not be followed.

27. The Enquiry Committee was constituted to examine the conduct and decisions of the then In-charge Vice-Chancellor. The petitioners were not parties before the Committee; they were not examined as witnesses; nor were they afforded any opportunity to rebut the material placed before the Committee. Yet, the consequences of the Committee's report have fallen most severely upon them, resulting in the cancellation of their absorptions and the loss of their livelihood.

28. The law on the requirement of notice, supply of material and opportunity of hearing before taking such adverse action is no longer res integra. In *Basudev Dutta v. State of West*



Bengal & Ors. (C.A. No. 13919 of 2024), in para 12.2 to 12.6 it has been held and observed as follows:

*“12.2. It is settled law that every administrative or quasi-judicial order must contain the reasons. Such reasons go a long way in not only ensuring that the authority has applied his mind to the facts and the law but also provide the grounds for the aggrieved party to assail the order in the manner known to law. In the absence of any reasons, it also possesses a difficulty for the judicial authorities to test the correctness of the order or in other words, exercise its power of judicial review. In this context, it will be useful to refer to the judgment of this Court in **Kranti Associates (P) Ltd. v. Masood Ahmed Khan**, wherein after a detailed analysis of various judgments, it was held as follows:*

*“27. In **Rama Varma Bharathan Thampuram v. State of Kerala [(1979) 4 SCC 782 : AIR 1979 SC 1918]** V.R. Krishna Iyer, J. speaking for a three-Judge Bench held that the functioning of the Board was quasi-judicial in character. One of the attributes of quasi-judicial functioning is the*



recording of reasons in support of decisions taken and the other requirement is following the principles of natural justice. The learned Judge held that natural justice requires reasons to be written for the conclusions made (see SCC p. 788, para 14 : AIR p. 1922, para 14)."

28. In **Gurdial Singh Fijji v. State of Punjab [(1979) 2 SCC 368: 1979 SCC (L&S) 197]** this Court, dealing with a service matter, relying on the ratio in **Capoor [(1973) 2 SCC 836 : 1974 SCC (L&S) 5 : AIR 1974 SC 87]**, held that "rubber-stamp reason" is not enough and virtually quoted the observation in **Capoor (supra), SCC p. 854, para 28**, to the extent that:

"28.... Reasons are the links between the materials on which certain conclusions are based and the actual conclusions." (See AIR p. 377, para 18.)

29. In a Constitution Bench decision of this Court in **H.H. Shri Swamiji of Shri Amar Mutt v. Commr., Hindu Religious and Charitable Endowments Deptt. [(1979) 4 SCC 642: 1980 SCC**



(Tax) 16 : AIR 1980 SC 1] while giving the majority judgment *Y.V. Chandrachud, C.J.* referred to (SCC p. 658, para 29) *Broom's Legal Maxims* (1939 Edn., p. 97) where the principle in Latin runs— “*Cessante ratione legis cessat ipsa lex.*”

30. The English version of the said principle given by the Chief Justice is that:

(H.H. Shri Swamiji case [(1979) 4 SCC 642 : 1980 SCC (Tax) 16 : AIR 1980 SC 1], SCC p. 658, para 29)

“29. ... ‘reason is the soul of the law, and when the reason of any particular law ceases, so does the law itself’.” (See AIR p. 11, para 29.)

33. In *Star Enterprises v. City and Industrial Development Corpn. of Maharashtra Ltd. [(1990) 3 SCC 280]* a three-Judge Bench of this Court held that in the present day set-up judicial review of administrative action has become expansive and is becoming wider day by day and the State has to justify its action in various fields of public law. All these necessitate recording of reason for executive actions including the rejection of the



highest offer. This Court held that disclosure of reasons in matters of such rejection provides an opportunity for an objective review both by superior administrative heads and for judicial process and opined that such reasons should be communicated unless there are specific justifications for not doing so (see SCC pp. 284-85, para 10).

*46. The position in the United States has been indicated by this Court in **S.N. Mukherjee [(1990) 4 SCC 594 : 1990 SCC (Cri) 669 : 1991 SCC (L&S) 242 : (1991) 16 ATC 445 : AIR 1990 SC 1984]** in SCC p. 602, para 11 : AIR para 11 at p. 1988 of the judgment. This Court held that in the United States the courts have always insisted on the recording of reasons by administrative authorities in exercise of their powers. It was further held that such recording of reasons is required as “the courts cannot exercise their duty of review unless they are advised of the considerations underlying the action under review”. In **S.N. Mukherjee [(1990) 4 SCC 594 : 1990 SCC (Cri) 669 : 1991 SCC (L&S) 242 : (1991) 16 ATC 445 : AIR 1990 SC 1984]** this Court*



*relied on the decisions of the US Court in **Securities and Exchange Commission v. Chenery Corpn.** [87 L Ed 626 : 318 US 80 (1942)] and **Dunlop v. Bachowski** [44 L Ed 2d 377 : 421 US 560 (1974)] in support of its opinion discussed above.*

47. Summarizing the above discussion, this Court holds:

(a) In India the judicial trend has always been to record reasons, even in administrative decisions, if such decisions affect anyone prejudicially.

(b) A quasi-judicial authority must record reasons in support of its conclusions.

(c) Insistence on recording of reasons is meant to serve the wider principle of justice that justice must not only be done it must also appear to be done as well.

(d) Recording of reasons also operates as a valid restraint on any possible arbitrary exercise of judicial and quasi-judicial or even administrative power.



(e) Reasons reassure that discretion has been exercised by the decision-maker on relevant grounds and by disregarding extraneous considerations.

(f) Reasons have virtually become as indispensable a component of a decision-making process as observing principles of natural justice by judicial, quasi-judicial and even by administrative bodies.

(g) Reasons facilitate the process of judicial review by superior courts.

(h) The ongoing judicial trend in all countries committed to rule of law and constitutional governance is in favour of reasoned decisions based on relevant facts. This is virtually the lifeblood of judicial decision-making justifying the principle that reason is the soul of justice.

(i) Judicial or even quasi-judicial opinions these days can be as different as the judges and authorities who deliver them. All these decisions serve one common purpose which is to demonstrate by reason that the relevant factors have been



objectively considered. This is important for sustaining the litigants' faith in the justice delivery system.

(j) Insistence on reason is a requirement for both judicial accountability and transparency.

(k) If a judge or a quasi-judicial authority is not candid enough about his/her decision-making process then it is impossible to know whether the person deciding is faithful to the doctrine of precedent or to principles of incrementalism.

(l) Reasons in support of decisions must be cogent, clear and succinct. A pretence of reasons or "rubber-stamp reasons" is not to be equated with a valid decision-making process.

(m) It cannot be doubted that transparency is the sine qua non of restraint on abuse of judicial powers. Transparency in decision-making not only makes the judges and decision-makers less prone to errors but also makes them subject to broader scrutiny. (See David Shapiro in Defence of Judicial Candor [(1987) 100 Harvard Law Review 731-37]).



(n) *Since the requirement to record reasons emanates from the broad doctrine of fairness in decision-making, the said requirement is now virtually a component of human rights and was considered part of Strasbourg Jurisprudence. See Ruiz Torija v. Spain [(1994) 19 EHRR 553] EHRR, at 562 para 29 and Anya v. University of Oxford [2001 EWCA Civ 405 (CA)], wherein the Court referred to Article 6 of the European Convention of Human Rights which requires, “adequate and intelligent reasons must be given for judicial decisions”.*

(o) *In all common law jurisdictions judgments play a vital role in setting up precedents for the future. Therefore, for development of law, requirement of giving reasons for the decision is of the essence and is virtually a part of “due process”.*

12.3. *That apart, before passing the termination order, no opportunity of personal hearing was provided to the appellant to defend his stand effectively.*



Islam Hashmi v. State of U.P., it was categorically held by this Court that ‘personal hearing should be given, before termination of employee from service’.

The relevant paragraph of the same is quoted below for ready reference:

“25. It was observed in that case that it is a fundamental rule of law that no decision must be taken which will affect the rights of any person without first giving him an opportunity of putting forward his case. The main requirements of a fair hearing, as pointed out by this Court earlier, are: (i) A person must know the case that he is to meet; and (ii) he must have an adequate opportunity of meeting that case. These rules of natural justice, however, operate in voids of a statute. Their application can be expressly or implicitly excluded by the legislature. But, such is not the case here. On the contrary, the two circulars issued by the State Government, to which a reference has been made earlier, expressly imported these principles of natural justice and required that in all cases in which the services of an



officer or servant were to be determined on the ground of his unsuitability, they must be given an opportunity of personal hearing by the Committee. The whole purpose of the personal interview was that, when it was proposed to declare an official unsuitable for absorption, the Committee had to afford him an opportunity to appear before it and clear up his position. Since it is nobody's case that such an opportunity was afforded to the appellant, we would hold that the order dated August 26, 1967 (of termination of his services passed by the State) suffers from a serious legal infirmity and must be quashed. He will, therefore, have to be treated as having continued in service till the age of superannuation and entitled to all the benefits incidental to such a declaration."

*12.4. In **S. Govindaraju v. Karnataka State Road Transport Corporation** again, this Court held thus:*

"7. There is no dispute that the appellant's services were terminated on the ground of his being found unsuitable for the appointment and



as a result of which his name was deleted from the select list, and he forfeited his chance for appointment. Once a candidate is selected and his name is included in the select list for appointment in accordance with the Regulations, he gets a right to be considered for appointment as and when vacancy arises. On the removal of his name from the select list serious consequences entail as he forfeits his right to employment in future. In such a situation even though the Regulations do not stipulate for affording any opportunity to the employee, the principles of natural justice would be attracted and the employee would be entitled to an opportunity of explanation, though no elaborate enquiry would be necessary. Giving an opportunity of explanation would meet the bare minimal requirement of natural justice. Before the services of an employee are terminated, resulting in forfeiture of his right to be considered for employment, opportunity of explanation must be afforded to the employee concerned. The appellant was not afforded any opportunity of explanation before the issue of the



impugned order; consequently the order is rendered null and void being inconsistent with the principles of natural justice...”

12.5. This Court in ***Aureliano Fernandes v. State of Goa***, in an unequivocal terms observed as follows:

“73. ... This Court has repeatedly observed that even when the rules are silent, principles of natural justice must be read into them.

74. In its keen anxiety of being fair to the victim/complainants and wrap up the complaints expeditiously, the Committee has ended up being grossly unfair to the appellant. It has completely overlooked the cardinal principle that justice must not only be done, but should manifestly be seen to be done. The principles of audi alteram partem could not have been thrown to the winds in this cavalier manner.”

12.6. It is manifestly clear from the above judgments that reasons are heartbeat of every order and every notice must specify the grounds on which the administrative or quasi-judicial authority intends



to proceed; if any document is relied upon to form the basis of enquiry, such document must be furnished to the employee; it is only then a meaningful reply can be furnished; and the failure to furnish the documents referred and relied in the notice would vitiate the entire proceedings as being arbitrary and in violation of the principles of natural justice; and before taking any adverse decision, the aggrieved person must be given an opportunity of personal hearing. In the light of the same, we have no hesitation to hold that the order of termination passed against the appellant is arbitrary, illegal and violative of the principles of natural justice and it cannot be sustained.”

29. After surveying a long line of authorities, the Court summarized the legal position, to the effect that:

- every administrative or quasi-judicial order which has civil consequences must contain reasons;
- any document relied upon to form the basis of the action must be furnished to the person concerned;



- only then can a meaningful reply be submitted; and

- failure to supply such documents and to afford a real opportunity of defence vitiates the entire proceedings as arbitrary and violative of the principles of natural justice.

30. In ***S.L. Kapoor v. Jagmohan*** 1980(4) SCC 379, para 17 to 24 states that:

“17. Linked with this question is the question whether the failure to observe natural justice would have made no difference, the admitted or indisputable facts speaking for themselves. Where on the admitted or indisputable facts only one conclusion is possible and under the law only one penalty is permissible, the court may not issue its writ to compel the observance of natural justice, not because it approves the non-observance of natural justice but because courts do not issue futile writs. But it will be a pernicious principle to apply in other situations where



conclusions are controversial, however, slightly, and penalties are discretionary.

*18. In **Ridge v. Baldwin** one of the arguments was that even if the appellant had been heard by watch committee nothing that he could have said could have made any difference. The House of Lords observed (at p. 68):*

“It may be convenient at this point to deal with an argument, that, even if as a general rule watch committee must hear a constable in his own defence before dismissing him, this case was so clear that nothing that the appellant could have said could have made any difference. It is a reason frequently submitted that could be accepted as an excuse. But, even if it could, the watch committee would, in my view, fail on the facts. It may well be that no reasonable body of men could have denied the appellant. But as between the other two courses open to the watch committee the case is not so clear. Certainly, on the facts, as



we know them, the watch committee could reasonably have decided to forfeit the appellant's pension rights, but I could not hold that they would have acted wrongly or wholly unreasonably if they had in the exercise of their discretion decided to take a more lenient course."

19. Megarry, J., discussed the question in **John v. Rees**, he said (at p. 402):

"It may be that there are some who would decry the importance which the courts attach to the observance of the rules of natural justice. 'When something is obvious', they may say, 'why force everybody to go through the tiresome waste of time involved in framing charges and giving an opportunity to be heard? The result is obvious from the start'. Those who take this view do not, I think, do themselves justice. As everybody who has anything to do with the law well knows, the law is strewn with examples of open and shut cases which, somehow, were not; of



unanswerable charges which, in the event, were completely answered; of inexplicable conduct which was fully explained; of fixed and unalterable determinations that, by discussion, suffered a change. Nor are those with any knowledge of human nature who pause to think for a moment likely to underestimate the feelings of resentment of those who find that a decision against them has been made without their being afforded any opportunity to influence the course of events.”

20. In *Annamunthodo v. Oilfields Workers’*

***Trade Union Lord Denning*, in his speech said (at p. 625):**

“Counsel for the respondent Union did suggest that a man could not complain of a failure of natural justice unless he could show that he had been prejudiced by it. Their Lordships cannot accept this suggestion. If a domestic tribunal fails to act in accordance with natural justice, the person affected by their decision can always seek redress in the



courts. It is a prejudice to any man to be denied justice.”

21. In *Margarita Fuentes v. Tobert L. Shevin* it was said (at p. 574):

“But even assuming that the appellants had fallen behind in their installment payments, and that they had no other valid defenses; that is immaterial here. The right to be heard does not depend upon an advance showing that one will surely prevail at the hearing. To one who protests against the taking of his property without due process of law, it is no answer to say that in his particular case due process of law would have led to the same result because he had no adequate defense upon the merits.”

22. In *Chintapalli Agency Taluk Arrack Sales Cooperative Society Ltd. v. Secretary (Food & Agriculture), Govt. of A.P.*, there was a non-compliance with Section 77(2) of the Cooperative Societies Act which provided that no order prejudicial to any person shall be passed unless such person has been given an opportunity of



making his representation. The argument was that since the facts were clear the non-compliance did not matter. It was also said that the appellant had of his own motion made some representation in the matter. This Court rejected the arguments observing (at pp. 567, 569-50; (SCC pp. 341 & 343-44, paras 11 & 21-22)):

”... It is submitted that the government did not afford any opportunity to the appellant for making representation before it. The High Court rejected this plea on the ground that from a perusal of the voluntary applications filed by the appellant it was clear that the appellant had answered many of the points urged by the respondents in their revision petition before the government. We are, however, unable to accept the view of the High Court as correct....

As mentioned earlier in the judgment the government did not give any notice communicating to the appellant about entertainment of the application in revision preferred by the respondents. Even though the appellant had filed some representations in respect of the matter, it would not absolve the



government from giving notice to the appellant to make the representation against the claim of the respondents.”

“It is admitted that no notice whatever had been given by the government to the appellant. There is, therefore, clear violation of Section 77(2) which is a mandatory provision. We do not agree with the High Court that this provision can be bypassed by resort to delivering into correspondence between the appellant and the government. Such non-compliance with a mandatory provision gives rise to unnecessary litigation which must be avoided at all costs.”

*23. The observations of this Court in **Chintapalli Agency Taluk Arrack Sales Cooperative Society** are clearly against the submissions of the learned Attorney-General.*

24. The matter has also been treated as an application of the general principle that justice should not only be done but should be seen to be done. Jackson’s Natural Justice (1980 Edn.) contains a very interesting discussion of the subject. He says:



“The distinction between justice being done and being seen to be done has been emphasised in many cases. ...

*The requirement that justice should be seen to be done may be regarded as a general principle which in some cases can be satisfied only by the observance of the rules of natural justice or as itself forming one of those rules. Both explanations of the significance of the maxim are found in **R. v. Home Secretary**, ex p. Hosenball, where after saying that ‘the principles of natural justice are those fundamental rules, the breach of which will prevent justice from being seen to be done’ he went on to describe the maxim as ‘one of the rules generally accepted in the bundle of the rules making up natural justice’.”*

31. In *Krishnadatt Awasthy v. State of M.P. & Ors.*, (2025) 7 SCC 545, para 38, 43, 44 and 45 reads as:

“38. This brings us to the second limb of the principle of natural justice i.e. audi alteram partem and whether the demonstration of prejudice is mandatory for raising a claim of violation of right



*of hearing. The principle of audi alteram partem lies at the very heart of procedural fairness, ensuring that no one is condemned or adversely affected without being given an opportunity to present their case. The decision in **Ridge v. Baldwin** is regarded as a significant landmark decision in British administrative law and is often referred to as a magna carta of natural justice. This decision has resonated deeply in the Indian legal context where natural justice principles are firmly entrenched with constitutional guarantees.*

43.The opportunity of hearing is considered so fundamental to any civilised legal system that the courts have read the principles of natural justice into an enactment to save it from being declared unconstitutional on procedural grounds.

*44.It has been argued before us that if the failure to provide hearing does not cause prejudice, observing the principle of natural justice may not be necessary. In this context, a three-Judge Bench of this Court in **S.L. Kapoor v. Jagmohan** speaking*



through Chinappa Reddy, J. considered such arguments to be “pernicious” and held that “[t]he non-observance of natural justice is itself prejudice to any man and proof of prejudice independently of proof of denial of natural justice is unnecessary”. The Supreme Court, however, has drawn out an exception where “on the admitted or indisputable facts only one conclusion is possible, and under the law only one penalty is permissible, then the Court may not compel the observance of natural justice”.

45. Professor I.P. Massey has commented on this shift as under:

*“Before the decision of the highest Court in **S.L. Kapoor v. Jagmohan**, the rule was that the principles of natural justice shall apply only when an administrative action has caused some prejudice to the person, meaning thereby that he must have suffered some “civil consequences”. Therefore, the person had to show something extra in order to prove “prejudice” or civil consequences. This approach had stultified the growth of administrative law within an area of highly practical significance. It is*



gratifying that in Jagmohan, the Court took a bold step in holding that a separate showing of prejudice is not necessary. The non-observance of natural justice is in itself prejudice caused. However, merely because facts are admitted or are indisputable it does not follow that the principles of natural justice need not be observed.”

32. The Court further emphasized that the opportunity of hearing is a valued human interaction which has inherent worth, independent of the outcome, and that an unfair proceeding at the initial stage cannot generally be cured at the appellate stage.

33. In *K. Prabhakar Hegde v. Bank of Baroda, 2025 SCC OnLine SC 1736*, para 1 to 5 and para 44 further states as:

“1. S.L. Kapoor v. Jagmohan 1980(4) SCC 379 is a landmark decision of this Court, delivered more than half a century back, delineating the contours of the principles of natural justice, more particularly the right to be heard before one is condemned. The supersession of the New Delhi Municipal Committee was challenged on the ground that it was in violation of the principles of natural justice, since no show cause notice was issued before the order of supersession was passed. Linked with that question



was the question whether the failure to observe the principles of natural justice matters at all, if such observance would have made no difference, the admitted or indisputable facts speaking for themselves.

*The golden words of **Hon'ble O. Chinappa Reddy, J.**, speaking for the three-Judge Bench, rings in our ears:*

“24. ... In our view the principles of natural justice know of no exclusionary rule dependent on whether it would have made any difference if natural justice had been observed. The non-observance of natural justice is itself prejudice to any man and proof of prejudice independently of proof of denial of natural justice is unnecessary. It ill comes from a person who has denied justice that the person who has been denied justice is not prejudiced. ...”

(emphasis ours)

*2. The above passage from S.L. Kapoor (supra) came to be noticed in the Constitution Bench decision of this Court in **Olga Tellis v. Bombay Municipal Corporation** and met with an unconditional approval. Hon'ble Y.V. Chandrachud, CJI., speaking for the Bench (which incidentally included Hon'ble O. Chinappa Reddy, J.) ruled that the said observations sum up the*



true legal position regarding the purport and implications of the right of hearing.

3. *Close on the heels of Olga Tellis (supra), another Constitution Bench upon a survey of precedents on the point of fair and impartial hearing observed in **Union of India v. Tulsiram Patel** as follows:*

“95. The principles of natural justice have thus come to be recognized as being a part of the guarantee contained in Article 14 because of the new and dynamic interpretation given by this Court to the concept of equality which is the subject-matter of that article. Shortly put, the syllogism runs thus: violation of a rule of natural justice results in arbitrariness which is the same as discrimination: where discrimination is the result of State action, it is a violation of Article 14: therefore, a violation of a principle of natural justice by a State action is a violation of Article 14. Article 14, however, is not the sole repository of the principles of natural justice. What it does is to guarantee that any law or State action violating them will be struck down. The principles of natural justice, however, apply not only



to legislation and State action but also where any tribunal, authority or body of men, not coming within the definition of State in Article 12, is charged with the duty of deciding a matter. In such a case, the principles of natural justice require that it must decide such matter fairly and impartially.”

(emphasis ours)

4. In another seminal decision, i.e., **A.R. Antulay v. R. S. Nayak**, a seven-Judge Constitution Bench while acknowledging that it had committed an error earlier which needed rectification, went on to assert that:

“55. ... No prejudice need be proved for enforcing the fundamental rights. Violation of a fundamental right itself renders the impugned action void. So also the violation of the principles of natural justice renders the act a nullity. ...”

5. It has recently been held by us in **State of Uttar Pradesh v. Ram Prakash Singh** that just as Articles 14, 19 and 21 constitute a triumvirate of rights of citizens conceived as charters on equality, freedom and liberty, the trio of the Constitution



Bench decisions in Olga Tellis (supra), Tulsiram Patel (supra) and A.R. Antulay (supra) form the bedrock of natural justice principles being regarded as part of Article 14 and, thereby, obviating the need to demonstrate prejudice if a challenge were thrown on the ground of violation of Article 14.

*44. In normal circumstances, there could be little reason not to accept such a contention being bounded by the precedent of a larger bench. However, the vast and expansive development of law in the field of administrative law in our country since the time Sunil Kumar Banerjee (supra) was decided (almost four and half decades back), especially on the rule of fairness in administrative action which is now acknowledged in the Indian context as the third limb of natural justice, cannot be overlooked. None other than Hon'ble O. Chinappa Reddy, J. himself and the subsequent trio of Constitution Bench decisions in **Olga Tellis** (supra), **Tulsiram Patel** (supra) and **A.R. Antulay** (supra) upheld that violation of a mandatory provision of law relating to fair hearing is, in itself prejudice to the person*



proceeded against and no need to demonstrate prejudice would arise. It is of particular importance when His Lordship frowned that “It ill comes from a person who has denied justice that the person who has been denied justice is not prejudiced.” (emphasis ours). It is indeed paradoxical for someone who was denied justice, is not prejudiced.”

34. Tested on the touchstone of the above principles, it is evident that in the present case there has been a wholesale breach of the principles of natural justice. The petitioners were never put on notice; the enquiry report was not furnished to them; the letters from the Governor’s Secretariat (Annexure-C series) were not supplied; and there was no opportunity, either oral or written, to meet the allegations. The University has, in effect, used an ex parte enquiry into the conduct of the Vice-Chancellor as the sole foundation to cancel the petitioners’ absorptions, without ever hearing them.

35. The argument that in cases of “illegal appointment” adherence to natural justice is unnecessary cannot be accepted in the broad terms suggested by the University. Even assuming that the petitioners’ absorptions are open to challenge on the ground of non-compliance of Section 35 of the Act or other statutory



provisions, the alleged illegality is neither self-evident nor admitted by the petitioners. There are factual disputes as to advertisement, existence of sanctioned posts, nature of the Vice-Chancellor's powers, and past practice. In such circumstances, to dispense with notice and hearing on the ipse dixit of the employer would be to reduce the principles of natural justice to a dead letter.

36. The decisions relied upon by the University, such as *Raghuvar Pal Singh, the Full Bench in Rita Mishra*, and certain other cases where appointments were plainly contrary to statutory provisions and the facts were either admitted or incontrovertible, turned on their own facts. They do not lay down a blanket rule that whenever an employer labels an appointment as "illegal", natural justice can be dispensed with. As explained in the later decisions in *Basudev Dutta, Krishnadatt Awasthy and K. Prabhakar Hegde*, the core of *audi alteram partem* remains inviolable save in very exceptional situations, which are not attracted here.

37. This Court, therefore, has no hesitation in holding that the impugned Office Order No. 508/2017 dated 12.12.2017 has been passed in flagrant violation of the principles of natural justice. Issue (i) is answered in favour of the petitioners.

Issue (ii): Whether the impugned Office Order No. 508/2017 dated 12.12. 2017 is vitiated for being a non-speaking



and unreasoned order, passed without recording specific findings as against the petitioners and without independent application of mind?

38. The impugned Office Order No. 508/2017 dated 12.12.2017 is a brief communication making a general reference to the enquiry report and the communications from the Governor's Secretariat and then, in one stroke, cancelling the absorptions/regularisations of all the petitioners and several others. The order does not:

- record any individual finding as to the mode of appointment or absorption of any particular petitioner;
- discuss their length of service;
- analyse whether there were sanctioned posts or whether Section 35 was in fact violated in each case; or
- assign any reasons as to why cancellation, as opposed to any lesser corrective measure, was warranted.

39. The law as to the requirement of reasons in quasi-judicial and administrative orders has been authoritatively summarised by the Supreme Court in *Kranti Associates (P) Ltd. v.*



Masood Ahmed Khan, (2010) 9 SCC 496, which has been quoted with approval in *Basudev Dutta* (supra). It has been held that:

- recording of reasons is an integral part of the concept of justice;
- reasons are the “links between the materials on which certain conclusions are based and the actual conclusions”;
- reasons operate as a restraint on arbitrary exercise of power;
- they facilitate judicial review; and
- a mere “rubber-stamp” order without reasons is not a valid decision-making process.

40. In ***Basudev Dutta***, the Supreme Court applied these principles to set aside a termination order which did not disclose the reasons or the basis of the alleged “unsuitability”. Similarly, in ***Krishnadatt Awasthy***, the Court emphasised that fair procedure comes first, and only after hearing and disclosure of reasons can the merits be properly examined.

41. In the present case, the impugned order (*Annexure-II*) is completely bereft of individualized reasons. It does not even briefly summarize the findings of the Enquiry Committee as they relate to the petitioners, nor does it indicate any application of



mind to their individual cases. The University appears to have treated the Committee's report and the Governor's Secretariat letters as gospel and conclusive and has mechanically cancelled the absorptions without independent consideration.

42. Such an order, which visits the petitioners with grave civil consequences—loss of service, stoppage of salary, cannot be sustained in the absence of recorded reasons. The requirement of reasons is not an empty formality; it is a constitutional necessity flowing from Article 14 and Article 21 of the Constitution of India. This Court, therefore, holds that the impugned order is vitiated on the additional ground of being a non-speaking and unreasoned order. Issue (ii) is, accordingly, also answered in favour of the petitioners.

Issue (iii): Whether, having regard to the manner of their initial engagement and subsequent service, the petitioners' absorption/regularisation under Office Order No. 332/2013 dated 20.12.2013 and other analogous orders could, in law, be withdrawn and cancelled in the manner done, and whether the said absorptions can be treated as illegal or void ab initio?

Issue (iv): Whether, in the facts and circumstances of the case and in view of the enquiry conducted into the actions



of the then In-charge/Acting Vice-Chancellor, the University was justified in annulling the petitioners' absorption/regularisation solely on the basis of the said enquiry and communications from the Governor's Secretariat, without any independent consideration of the petitioners' individual cases?

43. Having found and held that the impugned office order no. 508/2017 dated 12.12.2017 has been passed in violation of principle of natural justice and also that it is bad in law for not assigning any reason, there is no need to decide the above issue no. (iii) and issue no. (iv).

44. In view of the findings on Issues (i) and (ii), the impugned Office Order No. 508/2017 dated 12.12.2017 (Annexure-11) cannot be sustained and is liable to be quashed. It is accordingly set aside/quashed. However, keeping in view the University's consistent stand that Section 35 of the Act and other statutory requirements were violated while absorbing/regularizing the services of the petitioners, the respondent University would be first obliged to reinstate the petitioners in service on the same position on which they were at the time of their termination from service, and thereafter would be at liberty to initiate proper proceedings against them following the due process of law, as



discussed and explained above. Upon reinstatement in service, the petitioners would be entitled to full back wages/ salaries with all consequential benefits, which must be paid to the petitioners within three months from the date of this order.

45. It is made clear that this Court has not expressed any opinion on the substantive legality or illegality of the petitioners’ absorptions on merits. All such questions are left open to be decided by the competent authority.

46. The writ applications are, accordingly, allowed to the extent indicated above. There shall be no order as to costs.

(Alok Kumar Sinha, J)

Prakash Narayan

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