

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15412 of 2023

Deepankar Shree Gyan S/o Dr. Onkar Prasad Jaiswal, R/o- 6, Maitri,
Shanti Bhawan, B.M Das Road, P.S.- Pirbahore, District- Patna.

... .. Petitioner/s

Versus

1. The Honble Chancellor of Universities, Bihar through the Secretary, Governors Secretariat, Raj Bhawan, Patna- 800022.
2. The State of Bihar, through the Additional Chief Secretary, Department of Education, Govt. of Bihar, Vikas Bhawan, Bailey Road, Patna- 800015.
3. The Additional Chief Secretary, Education Department, Government of Bihar, Govt. of Bihar, Vikas Bhawan, Bailey Road, Patna- 800015.
4. The Aryabhatta Knowledge University, Mithapur, Patna-800001, through the Registrar, Aryabhatta Knowledge University.
5. The Vice Chancellor, Aryabhatta Knowledge University, Mithapur, Patna- 800001.
6. The Registrar, Aryabhatta Knowledge University, Mithapur, Patna-800001.

... .. Respondent/s

Appearance :

For the Petitioner/s :	Mr. Yogesh Chandra Verma, Sr. Advocate Ms. Priyanka Singh, Advocate Mr. Gopal Krishna, Advocate Mr. Adarsh Singh, Advocate Mr. Vikash Kumar Jha, Advocate Mr. Khalid Faizan, Advocate
For the University :	Mr. Awadhesh Kumar, Advocate
For the Resp. Nos. 1-3 :	None

CORAM: HONOURABLE MR. JUSTICE NANI TAGIA
ORAL ORDER

22 08-09-2025 Heard Mr. Yogesh Chandra Verma, learned senior
counsel for the petitioner and Mr. Awadhesh Kumar, learned
counsel for the University/respondent Nos. 4-6.

2. None appears for the respondent Nos. 1-3.

3. Order under challenge in the present writ petition is

dated 01.09.2023 issued by the Registrar of the Aryabhata Knowledge University, Patna vide Memo No. 003/Admn/01-26/AKU/2015-3300, whereby the petitioner who was an Assistant Registrar in the Aryabhata Knowledge University has been terminated with immediate effect.

4. The impugned order of termination indicates that it has been issued in the light of the letter No. A.K.U. (HC)-03/2022-1297/GS(I) dated 17.08.2023 of the Governor Secretariat, Bihar, Raj Bhavan, Patna; order number AKU-03/2022 dated 30.05.2023 passed by the Hon'ble Chancellor, Universities of Bihar and the decision taken by the Executive Council of the University in its 47th meeting held on 01.09.2023.

5. The petitioner was recruited as Assistant Registrar in terms of the advertisement dated 19.08.2011 issued by the Registrar of the Aryabhata Knowledge University, Patna inviting application, *inter-alia*, for filling up one post of Assistant Registrar (unreserved).

6. Minimum qualifications prescribed for recruitment of Assistant Registrar in the advertisement is good academic record plus Master's Degree with at least 55% of the marks or its equivalent grade of 'B' in UGC seven-point scale and experience of three years as a Section Officer/ Superintendent in

Central State University offices or five years of experience as Assistant Professor/Lecturer in a college or a University or an autonomous institution with experience in educational administration.

7. The petitioner is stated to have been terminated from the service on the ground of lacking experience as provided in the advertisement dated 19.08.2011.

8. Counter affidavits have been filed by the respondents.

9. Learned advocate appearing for the respondent University has made a categorical submission that there is no recruitment rule in place for recruitment and appointment on the post of Assistant Registrar of the Aryabhatta Knowledge University, Patna. He further submits that in the guidelines issued by the University Grants Commission (UGC) for recruitment of Assistant Registrar of the Universities, though minimum educational qualifications have been prescribed as it has been prescribed in the advertisement dated 19.08.2011 but there is no prescription of any experience by the candidates for appointment as Assistant Registrar.

10. From the submissions made by the learned advocate for the respondent University, it, thus, has become

clear that there is neither any recruitment rule in place insofar as the post of Assistant Registrar of the Aryabhatta Knowledge University, Patna is concerned requiring any experience in service as prescribed in the advertisement dated 19.08.2011 nor the guidelines issued by the UGC for recruitment of Assistant Registrar of the Universities prescribes any experience in service for recruitment and appointment of Assistant Registrar in the Aryabhatta Knowledge University, Patna .

11. In that view of the matter, no experience as provided in the advertisement dated 19.08.2011 could have been provided by the Registrar of the Aryabhatta Knowledge University, Patna at the time of recruitment of petitioner as Assistant Registrar pursuant to the aforesaid advertisement nor the petitioner could have been terminated from the post of Assistant Registrar vide the impugned terminated order dated 01.09.2023 on the ground that the petitioner does not possess the required experience prescribed in the advertisement dated 19.08.2011.

12. In that view of the matter this writ petition succeeds and the impugned order dated 01.09.2023 issued by the Registrar of the Aryabhatta Knowledge University, Patna vide Memo No. 003/Admn/01-26/AKU/2015-3300, is set aside

and quashed.

13. Consequent thereto the petitioner shall be
reinstated in service with all consequential benefits.

(Nani Tagia, J)

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