

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18762 of 2024

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Anupma Kumari, Wife of Sri Sunil Kumar Singh, resident of Bir Shivaji Path,
North Sri Krishna Puri, Phulwari, Patna.

... .. Petitioner/s

Versus

1. The Vice Chancellor of Dr. Rajendra Prasad Central Agricultural University
Pusa, Samastipur
2. Deputy Registrar Establishment of Dr. Rajendra Prasad Central Agricultural
University Pusa, Samastipur
3. Registrar of Dr. Rajendra Prasad Central Agricultural University Pusa,
Samastipur

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Shivendra Kishore, Sr. Adv. Mr. Prisu Sudil, Adv. Mr. Saroj Kumar, Adv. Ms. Akansha Kumari, Adv.
For the Respondent/s	:	Mr. Abhivav Srivastava, Sr. Adv. Mr. Vijay Shankar Upadhyay, Adv.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 01-12-2025

Heard Mr. Shivendra Kishore, learned Senior Advocate representing the petitioner and Mr. Abhinav Srivastava, learned Senior Advocate for the Dr. Rajendra Prasad Central Agricultural University, Pusa, Samastipur.

2. The petitioner is aggrieved with the transfer order dated 13.09.2024, whereby the petitioner who has been holding the post of Associate Professor, Agronomy transferred and posted as Senior Scientist and Head to Krishi Vigyan Kendra, Gopalganj in her original cadre of Krishi Vigyan Kendra with immediate effect under office order dated 13.09.2024.



3. While assailing the impugned order, learned Senior Advocate for the petitioner primarily submitted that the order of transfer issued by the Vice Chancellor is wholly without jurisdiction, as it is the Board of Management who is the competent authority to consider the case for transfer of the petitioner. Besides the aforesaid contention, the very transfer of the petitioner is actuated with malice in fact for the simple reason that out of 36 Subject Matter Specialist, only the petitioner has been discriminated and she has been transferred and posted in a Krishi Vigyan Kendra. It is further submitted that on account of the transfer, the petitioner will have to suffer irreparably and his entire service condition would be altered and one of the consequences would be the petitioner has to retire after attaining the age of 62 years, whereas, in case the petitioner would continue with the University, she shall have to superannuate after attaining the age of 65 years, as well as, her services would be pensionable like the other employees of the University. The impugned transfer would also effect promotion prospects and seniority.

4. The impugned order of transfer came to be passed on 13.09.2024 and the answering respondent categorically averred that once there will be availability of the alternative of



the petitioner in form of competent leadership, the University will put her back. Despite the aforesaid undertaking, the petitioner's representation for reconsideration went in vain and till date, she has not been put back in the University. The entire action of the respondent smacks vindictiveness.

5. It is further contended that the case of the petitioner is also squarely covered with a decision rendered by this Court in the case of ***Dr. Geeta Kumari vs. Dr. Rajendra Prasad Central Agricultural University, Pusa and Ors, CWJC No. 11716 of 2025*** which came to be disposed off on 11.09.2025, whereby the Court held that the Vice Chancellor is not the competent authority under the Act, 2016 and the statute made therein, in view of the fact that there is no provision or any prescription or any material has been brought on record that power of transfer is either delegated or duly vested with the Vice Chancellor of the University, unlike the earlier repealed Act, 1987, where there was a specific prescription under Section 11(1)(iii) which vested the power of transfer with the Vice Chancellor.

6. On the other hand, Mr. Abhinav Srivastava, learned Senior Advocate for the University made a preliminary objection with regard to the maintainability of the writ petition



in view of the specific remedy as provided under Section 12(3) of the Act, 2016 which categorically provides that any person in the service of the University, who is aggrieved by the action taken by the Vice Chancellor, under this sub-section, shall have the right to appeal against such action to the Board, within three months from the date on which decision on such action is communicated to him and thereupon, the Board may confirm, modify or reverse the action taken by the Vice Chancellor.

7. Adverting to the appointment letter of the petitioner, as contained in Memo No. 124 dated 22.06.2001, it is further submitted that the very appointment of the petitioner was made as Training Associate (Agronomy) in Krishi Vigyan Kendra (ICAR) under General Category in the pay scale of Rs. 2200-75-2800-100-4000 plus usual allowances. The petitioner is still in the cadre of Krishi Vigyan Kendra and so far the adjustment of the petitioner alongwith others as Associate Professor in the University is concerned, the same is only for the purposes of removing the anomalies in the pay scale and other benefits. To support the aforesaid contention referring to paragraph no. 17 of the counter affidavit, he vehemently contended that it has been clarified that the petitioner's service condition would not change upon transfer and the same would



remain as it was before the transfer. The apprehension of the petitioner is unfounded is the contention of learned Senior Advocate.

8. Mr. Srivastava further submits that the aforesaid decision to transfer the petitioner in the interest of University was an urgent issue in the opinion of the Vice Chancellor, as the petitioner was found competent to enhance the efficiency of Krishi Vigyan Kendra because of her past experience of handling different activities in Krishi Vigyan Kendra. The respondents categorically assured that once there will be availability of the alternative of the petitioner in form of competent leadership, the University will put her back, is writ large from paragraph 11 of the counter affidavit. He further contended that so far the decision rendered in ***Doctor Geeta Kumari (supra)*** is concerned, she was admittedly the employee of the University and, as such, the case of the petitioner does not stand with said Geeta Kumari and thus, distinguishable in the facts.

9. At this juncture, Mr. Shivendra Kishore, learned Senior Advocate interjected and submitted that the statutory appeal against the order of the Vice Chancellor is nothing, but a farce as it is the Vice Chancellor, who would be heading the



Board of Management.

10. Having considered the submissions advanced by learned Advocate for the respective parties and taking note of the specific provisions as provided under the Act, specially Section 12(3) that if the petitioner has any grievance with respect to any order passed by the Vice Chancellor, she has the remedy to prefer an appeal before the Board of Management and shall consider the same and pass an appropriate order. Only because of the Vice Chancellor of the University shall head the Board of Management alongwith other higher officials, which is the principal executive body, the contention of the petitioner to the extent that appeal against the order of the Vice Chancellor before the Board would be a farce is not acceptable as it would make the statutory provision redundant without any challenge and holding it *ultra vires* the Constitution.

11. In view thereof, this Court without delving into the merit of the case, deems it fit and proper to extend a liberty to the petitioner to file an appropriate appeal before the Board of Management, preferably within a period of two weeks' from today. In case such an appeal is preferred, the same shall be considered by the Board of Management, keeping in mind the submissions noted hereinabove, besides the observation of the



University that once there will be availability of alternative of the petitioner in form of competent leadership, the University will put her back, preferably within a period of six weeks' thereafter.

10. It is made clear that under the Act, 2016 the period to prefer the appeal is prescribed for three months, however, since the petitioner has been pursuing litigation before this Court since long, the plea of delay and limitation would not be available with the respondents.

11. Accordingly, the writ petition stands disposed, off with the aforesaid direction.

(Harish Kumar, J)

supratim/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	04.12.2025
Transmission Date	NA

