IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10001 of 2026

CNR No. BRHC010672532026

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Dr. Gulab Chand Ram Jaiswal Son of Late Sohan Lal Jaiswal @ S.S. Jaiswal, Resident of P-16, New Medical Enclave, BHU, P.O. and P.S.- Hindu Vishwa Vidhyalaya, District- Varanasi (Uttar Pradesh). Presently residing at- Flat No. 405, Tridev Annapurna Apartment, Vidyapith Road, P.O.- Mahatma Gandhi Kashi Vidhyapith, P.S.- Sigra, District- Varanasi- 221002.

... ... Petitioner/s

Versus

1. The Chancellor of Universities-Cum-the Governor through its Principal Secretary, Bihar Lok Bhawan (Raj Bhawan), Patna- 800001.
2. The Principal Secretary, Bihar Lok Bhawan (Raj Bhawan), Patna- 800001.
3. The State of Bihar through the Chief Secretary, Bihar, Patna.
4. The Secretary, Higher Education, Government of Bihar, Patna.

... ... Respondent/s

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Appearance :
For the Petitioner/s : Dr. Anand Kumar, Adv.
For the State : Mr. Satish Kumar Sinha, AC to SC-36
For the Chancellor : Mr. Sajid Salim Khan, Sr. Adv.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT
Date : 27-10-2026

Heard Dr. Anand Kumar, learned Advocate appearing for the petitioner, Mr. Sajid Salim Khan, learned Senior Advocate appearing for the Chancellor, and Mr. Satish Kumar Sinha, learned Advocate appearing for the State.

2. The petitioner had applied for appointment to the post of Vice-Chancellor of Veer Kunwar Singh University, Arrah, Tilka Manjhi Bhagalpur University, Bhagalpur, and Magadh University, Bodh Gaya, on 14.06.2025, 16.06.2025, and 29.12.2025, respectively, pursuant to the advertisements dated 27.05.2025 and 01.12.2025 issued by the Governor's Secretariat.

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The petitioner has approached this Court primarily assailing the cancellation of the advertisements dated 28.05.2025, 04.12.2025, and 28.05.2025, whereby the recruitment process initiated for appointment to the post of Vice-Chancellor in the aforesaid universities was brought to an end.

3. The principal grievance of the petitioner is that the cancellation of the aforesaid advertisements, without assigning any reason, is arbitrary, unreasonable, and violative of the principles of natural justice.

4. Assailing the impugned action, learned Advocate for the petitioner submits that the cancellation of the advertisements, without disclosing any reason, has deprived the petitioner of his legitimate opportunity to participate in the selection process. It is contended that such action is arbitrary and discriminatory and, therefore, violative of Articles 14 and 16 of the Constitution of India. The petitioner has further sought a direction to the concerned respondents, particularly respondent no. 1, namely, the office of the Chancellor, to modify the subsequent advertisement dated 30.05.2026 and permit him to participate in the screening test for selection to the post of Vice-Chancellor in the aforesaid universities, upon acceptance of his offline application dated 05.06.2026.

5. Referring to the earlier advertisements dated

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27.05.2025 and 01.12.2025, copies whereof have been brought on record as Annexure-P/1 series, learned Advocate for the petitioner submits that clause 2 thereof prescribed that a candidate should not have attained the age of 67 years as on the last date fixed for submission of the application.

6. It is submitted that, in the case of Veer Kunwar Singh University, Arrah, and Tilka Manjhi Bhagalpur University, Bhagalpur, the last date for submission of applications was fixed as 18.06.2025 at 6:00 PM. The petitioner, being within the prescribed age limit on the relevant date, submitted his applications for the aforesaid posts. Similarly, in the case of Magadh University, Bodh Gaya, the last date for submission of applications was fixed as 05.06.2026, on which date the petitioner was also within the prescribed age limit.

7. Learned Advocate for the petitioner contends that the subsequent cancellation of all three advertisements, followed by the issuance of a fresh advertisement by the Governor's Secretariat, has resulted in the petitioner being rendered ineligible on account of his having crossed the age of 67 years in the intervening period. It is further submitted that the subsequent advertisement dated 30.05.2026 prescribed 30.06.2026 as the cut-off date for submission of applications, thereby depriving the petitioner of an opportunity to participate

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in the selection process despite his eligibility under the earlier advertisements.

8. Placing reliance upon the judgment of the Hon'ble Supreme Court in ***Amrit Yadav v. The State of Jharkhand & Ors., [Civil Appeal Nos. 13950–13951 of 2024]***, learned Advocate for the petitioner submits that where a fresh recruitment process is initiated after cancellation of an earlier advertisement, due consideration ought to be given to candidates who were eligible under the earlier recruitment process, including by granting appropriate age relaxation, wherever legally warranted. In support of the aforesaid submission, reliance has been placed upon paragraphs 40 and 41 of the said judgment.

9. Per contra, Mr. Sajid Salim Khan, learned Senior Advocate appearing for the Chancellor, controverts the submissions advanced on behalf of the petitioner and submits that the petitioner has failed to demonstrate how the issuance of the subsequent advertisement has resulted in any legally enforceable right being infringed. It is contended that the earlier advertisements were cancelled for unavoidable reasons and that the authority concerned was not required to disclose the reasons for such cancellation in the cancellation notice itself. It is further submitted that the appointment to the post of Vice-Chancellor is

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for a fixed tenure of three years and is not a regular appointment to a civil post. The eligibility conditions, including the maximum age limit of 67 years, are prescribed having regard to the nature and tenure of the appointment. The subsequent advertisement dated 30.05.2026 retained the same maximum age limit. Consequently, according to learned Senior Advocate, permitting the petitioner to participate in the selection process despite his having crossed the prescribed age limit would amount to relaxing the eligibility criteria in his favour without any demonstrated legal basis.

10. Learned Advocate appearing for the State adopts the submissions advanced by learned Senior Advocate appearing for the Chancellor.

11. Learned Senior Advocate further submits that the judgment relied upon by the petitioner in ***Amrit Yadav*** (supra) is distinguishable on facts, inasmuch as the present matter concerns appointment to the post of Vice-Chancellor for a fixed tenure, whereas the aforesaid decision, according to him, arose in the context of recruitment to regular Class-IV posts. It is, therefore, contended that the petitioner cannot claim the benefit of the aforesaid decision as a matter of course.

12. Having considered the rival submissions advanced on behalf of the respective parties and upon perusal of the

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materials available on record, this Court finds that the principal issue arising for consideration is whether the petitioner, merely by having applied pursuant to the earlier advertisements and having satisfied the prescribed age criterion on the respective last dates for submission of applications, can claim an enforceable right to participate in the selection process initiated pursuant to the subsequent advertisement, notwithstanding his having crossed the prescribed maximum age limit in the meantime.

13. In this regard, it would be apposite to refer to the decision of the Hon'ble Supreme Court in ***Shankarsan Dash v. Union of India, [AIR 1991 SC 1612]***, wherein the Constitution Bench has held that the mere issuance of an advertisement inviting applications for recruitment does not confer an indefeasible right of appointment upon a candidate. The State is not under an absolute legal obligation to fill up every notified vacancy, unless the applicable recruitment rules provide otherwise. At the same time, the power of the State or the competent authority in matters of recruitment cannot be exercised arbitrarily, and any decision concerning the recruitment process must satisfy the applicable requirements of law.

14. The principle emerging from the aforesaid

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decision is that an advertisement inviting applications does not, by itself, confer an indefeasible right upon an applicant to insist upon the continuation of the recruitment process in the same form or to claim appointment merely on the basis of having applied pursuant thereto. The existence of a right to seek judicial intervention must, therefore, be examined with reference to the applicable rules, the nature of the decision impugned, and the material placed on record.

15. Applying the aforesaid principle to the facts of the present case, the petitioner's claim to participate in the subsequent selection process cannot be determined solely on the basis that he was eligible under the earlier advertisements. The relevant consideration is whether the cancellation of the earlier advertisements and the issuance of the subsequent advertisement suffer from any illegality, arbitrariness, mala fides, or violation of an applicable statutory provision.

16. The fact that the petitioner was within the prescribed age limit on the last dates fixed under the earlier advertisements may constitute a relevant consideration in examining his grievance. However, the same, by itself, would not conclusively establish an enforceable right to insist that the subsequent recruitment process must be conducted by extending the benefit of the earlier age criterion or by granting age

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relaxation.

17. At the same time, the cancellation of an earlier recruitment process cannot be treated as immune from judicial scrutiny merely because the competent authority possesses the power to cancel an advertisement. The exercise of such power must remain consistent with the constitutional requirement of non-arbitrariness. The petitioner's grievance, therefore, requires examination within the aforesaid legal parameters. However, the petitioner is unable to satisfy this Court that the impugned action of cancellation of earlier advertisement was actuated with any malice or arbitrariness.

18. So far as the reliance placed upon ***Amrit Yadav*** (supra) is concerned, the applicability of the principles laid down therein would depend upon the nature of the recruitment process, the governing statutory provisions, the circumstances leading to the cancellation of the earlier advertisements, and the precise relief granted by the Hon'ble Supreme Court in that case.

19. The mere distinction between a regular appointment and an appointment for a fixed tenure would not, by itself, be sufficient to exclude the applicability of a constitutional principle governing fairness in recruitment. Equally, the petitioner cannot claim automatic entitlement to age relaxation merely on the ground that he was eligible under an

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earlier advertisement. The claim must be assessed in the light of the applicable rules and the ratio of the judgments relied upon.

20. In the facts and circumstances of the present case, and having regard to the principle laid down by the Hon'ble Supreme Court in ***Shankarsan Dash*** *(supra)* the petitioner's claim to continue in, or participate in, the subsequent recruitment process cannot be accepted merely on the basis of his earlier applications. In the absence of an established legal entitlement to the reliefs sought, this Court finds no ground to grant the directions prayed for in the writ petition.

21. Accordingly, the writ petition stands dismissed.

(Harish Kumar, J)

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Uploading Date	28-10-2026
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