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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 1278/2026, CM APPL. 6293/2026 & CM APPL. 6294/2026**
PROF QUDDUS KHANPetitioner

Through: Mr. Ankur Chibber, Mr. Advait Ghosh, Mr. Parthiv Ghosh, Advocates.

versus

JAMIA MILLIA ISLAMIA UNIVERSITYRespondent
Through: Mr. Pritish Sabharwal, Standing Counsel with Mr. Mehrish Khan, Ms. Shweta Singh, Mr. Sanjeet Kumar, Advocates.

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER
04.02.2026

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1. This is the second round of litigation at the instance of the Petitioner. In the first round, the Petitioner had challenged the office order dated 14th August, 2024 by way of W.P.(C) 11876/2024. During the pendency of the said writ petition, the Respondent issued a subsequent office order dated 12th September, 2025. In view thereof, the Petitioner sought and was granted liberty to withdraw the earlier writ petition with permission to file a fresh petition impugning both the orders. Accordingly, the present petition has been filed.

Factual Matrix

2. Before noting the Petitioner's grievance, a few essential facts need to



be noticed:

2.1. Upon completion of the tenure of Prof. Ataur Rahman Khan as Head, Department¹ of Applied Science & Humanities, Faculty of Engineering & Technology, JMI, on 14th August, 2021, the next senior-most Professor, namely Prof. Mohd. Mudassir Husain, was to be considered for appointment as Head in terms of Statute 8(1) of the JMI Act, 1988 read with Ordinance IV (Academic) Clause (1). However, since Prof. Mohd. Mudassir Husain was on Extraordinary Leave at the relevant time, the Competent Authority appointed Prof. Zishan Husain Khan, being the next senior-most Professor, as Head of the Department with effect from 15th August, 2021 for a period of three years.

2.2. The tenure of Prof. Zishan Husain Khan as Head was to expire on 14th August, 2024. In the meantime, Prof. Mohd. Mudassir Husain, after availing sanctioned Extraordinary Leave, rejoined his duties in the Department with effect from 31st July, 2024.

2.3. Thereafter, by office order dated 14th August, 2024, issued in exercise of powers under Statute 8(1) of the JMI Act, 1988 read with Ordinance IV (Academic) Clause (2) of Para (1), the Officiating Vice-Chancellor appointed Prof. Mohd. Mudassir Husain as Head, Department of Applied Science & Humanities, with effect from 15th August, 2024 for a period of three years.

2.4. The said office order further stipulated that upon completion of the term of Prof. Mohd. Mudassir Husain, the next senior-most Professor, namely Prof. Quddus Khan (the Petitioner), would be appointed as Head, as Prof. Zishan Husain Khan had already served as Head from 15th August,



2021 to 14th August, 2024.

2.5. Aggrieved by the aforesaid office order dated 14th August, 2024, the Petitioner approached this Court by way of W.P.(C) 11876/2024.

2.6. During the pendency of the proceedings, the *inter se* seniority position within the Department underwent change pursuant to the Career Advancement Scheme (CAS), as a result whereof Prof. Mukesh Pratap Singh became senior to the Petitioner.

2.7. The seniority list, issued by the Head of the Department of Applied Sciences & Humanities, JMI, is handed over in Court by Mr. Pritish Sabharwal, Standing Counsel for JMI, and the same is taken on record. The said list reads as follows:

D/o Applied Sciences & Humanities						
S.No.	Emp. ID	Name	Designation	Date of Birth	Date of Joining on the present post	Date of retirement
1.	MA1066	Musheer Ahmad	Professors	15.02.1962	01.01.2009	28.02.2027
2.	MH1125	Mohd. Mudassir Husain	Professors	18.12.1969	07.08.2013	31.12.2034
3.	ZK1207	Zishan Husain Khan	Professors	01.08.1970	04.09.2013	31.07.2035
4.	MS1057	Mukesh P. Singh	Professors	23.11.1964	07.04.2014	30.11.2029
5.	QK4355	Quddus Khan	Professors	15.01.1967	01.07.2017	31.01.2032
6.	RJ1078	Rajesh Bhagwat	Associate Professors	20.07.1973	11.07.2017	31.07.2038

¹ "HoD"



		Jadhao				
7.	PM4305	Prabhash Mishra	Associate Professors	13.03.1986	21.07.2023	31.03.2051
8.	FA4669	Faheem Ahmad	Associate Professors	25.12.1983	18.09.2023	31.12.2048
9.	SP3792	Satya Prakash Prasad	Associate Professors	24.06.1982	01.03.2024	30.06.2047
10.	IU4638	Islam Uddin	Associate Professors	04.12.1967	22.07.2023	31.12.2032
11.	NR4639	Navaid Zafar Rizvi	Associate Professors	24.07.1977	25.07.2023	31.07.2041

2.8. In light of the foregoing seniority list, the second impugned office order dated 12th September, 2025 was passed to the following effect:

*“The Hon'ble Vice-Chancellor, JMI, has passed the following orders:
1. Allowed Prof. Mohammad Mudassir Husain, Head, Deptt. of Applied Science & Humanities, JMI, to avail Casual Leave on 01.09.2025 with permission of station leave due to his personal work.
2. Granted ex-post facto approval on discharging the routine duties of the Head, Deptt. of Applied Science & Humanities, JMI, performed by Prof. Mukesh Pratap Smgh, the next senior Professor in the Deptt. of Applied Science & Humanities, JMI, for the above mentioned date.”*

2.9. Aggrieved thereby, the Petitioner has filed the present petition challenging both the office order dated 14th August, 2024 appointing Prof. Mohd. Mudassir Husain as Head of the Department, as well as the subsequent office order dated 12th September, 2025.

Contentions

3. The Petitioner submits that he is a Professor in the Department of Applied Sciences & Humanities. Upon expiry of the tenure of Prof. Mohd. Ataur Rehman Khan as Head of the Department on 13th August, 2021, the



next senior-most Professor, namely Prof. Mohd. Mudassir Husain, was to be appointed as Head in terms of seniority. However, since Prof. Mohd. Mudassir Husain had proceeded on Extraordinary Leave (EOL), the headship, devolved upon the next senior-most Professor, i.e., Prof. Zishan Husain Khan, and thereafter, upon the Petitioner in the rotational cycle.

4. It is submitted that in terms of the Statutes and Ordinances governing the University, where there is more than one Professor in a Department, the Head of the Department is to be appointed by rotation according to seniority for a fixed tenure of three years. According to the Petitioner, if the senior-most Professor declines or is unavailable at the relevant time, the rotation proceeds to the next senior-most Professor and continues thereafter in sequence.

5. The Petitioner contends that once Prof. Mohd. Mudassir Husain did not assume the office of Head on account of his being on EOL, the rotational cycle stood exhausted in his respect and progressed further. According to the Petitioner, upon completion of the tenure of Prof. Zishan Husain Khan on 14th August, 2024, the appointment ought to have been made strictly in continuation of the rotation, thereby entitling the Petitioner to be appointed as Head.

6. Instead, by office order dated 14th August, 2024, the Officiating Vice-Chancellor invoked Clause (2) of Para (1) of Ordinance IV and appointed Prof. Mohd. Mudassir Husain as Head of the Department. This action forms the principal subject matter of challenge.

7. It is contended that the impugned office order dated 14th August, 2024 has been passed by the Officiating Vice-Chancellor by invoking the discretionary power under Clause (2) of Para (1) of Ordinance IV.



According to the Petitioner, such power is not in the nature of routine administrative work. The Petitioner places reliance upon a communication dated 09th September, 2014 issued by the Ministry of Human Resource Development, Department of Higher Education, to contend that an Acting/Officiating Vice-Chancellor is empowered only to discharge routine functions. It is submitted that the present appointment does not fall within the scope of such routine functions and, therefore, the impugned office order is illegal.

8. The Petitioner further submits that during the tenure of Prof. Zishan Husain Khan as Head of the Department from 15th August, 2021 to 14th August, 2024, the Petitioner had been repeatedly directed to discharge the duties of Head in an officiating capacity during the absence of the incumbent. According to the Petitioner, this consistent practice reinforced his position in the rotational sequence and gave rise to a legitimate expectation that he would be appointed as Head upon completion of the said tenure.

9. It is also contended that the impugned office order dated 14th August, 2024 was issued on the very date of expiry of the tenure of Prof. Zishan Husain Khan and was communicated on 15th August, 2024, which was a national holiday. The Petitioner submits that the timing and manner of issuance of the said order are indicative of arbitrariness and departure from the established practice of issuing appointment orders in advance to ensure smooth transition.

10. Insofar as the subsequent office order dated 12th September, 2025 is concerned, it is submitted that the Respondent permitted Prof. Mohd. Mudassir Husain to avail Casual Leave and granted ex-post facto approval



to the discharge of routine duties by Prof. Mukesh Pratap Singh, stated to be the next senior Professor. According to the Petitioner, this subsequent action demonstrates inconsistency in the application of the principle of seniority and rotation and further vitiates the appointment dated 14th August, 2024.

Analysis

11. The Court has considered the aforementioned submissions. The grievance of the Petitioner is essentially two-fold:

(i) that the appointment of Prof. Mohd. Mudassir Husain as Head of the Department by office order dated 14th August, 2024 is contrary to the principle of rotation and could not have been made by invoking Clause (2) of Ordinance IV; and

(ii) that the subsequent office order dated 12th September, 2025 appointing Prof. Mukesh Pratap Singh to discharge routine duties is arbitrary and illegal.

12. The relevant provisions of Ordinance IV of the University are reproduced hereinbelow:

“Ordinance 4 (IV)

HEADS OF DEPARTMENTS OF STUDIES - POWERS & FUNCTIONS

1. Appointment of the Head of the Department of Studies: (E.C. Res.No. 10, Dated 12.09.2006)

1. Each department of studies shall have a Head who shall be a Professor, provided that if there is more than one Professor, the Head of the department shall be appointed by the Vice-Chancellor by observing the principle of rotation from amongst the Professors according to seniority for a period of three years.

2. Notwithstanding anything contained in Clause 1, if for any reason it has not been possible to appoint a person as Head of the Department who is senior to the person(s) who has already served or is serving as Head of the Department, it shall be open to the Vice-Chancellor to appoint that person as Head of the Department whenever a vacancy next occurs if he can otherwise be so appointed.



...”
A plain reading of the above provision shows that Clause (2) begins with a non-obstante expression and operates notwithstanding Clause (1), which provides for appointment by rotation according to seniority. The expression “for any reason” is of wide amplitude and does not restrict the nature of circumstances in which the senior-most Professor could not be appointed earlier.

13. It is not in dispute that at the time when the vacancy arose in August, 2021, Prof. Mohd. Mudassir Husain was on sanctioned Extraordinary Leave. On that account, he was not appointed as Head and the next senior-most Professor was appointed for the relevant tenure. However, the mere fact that a Professor was on sanctioned leave at the relevant point of time cannot be equated with a refusal to accept the office nor can it be construed as permanent forfeiture of his position in seniority.

14. Clause (2) specifically contemplates a situation where “for any reason” it has not been possible to appoint the senior-most Professor and expressly enables his appointment whenever the next vacancy occurs. Therefore, the invocation of Clause (2) in the present case cannot be said to be dehors the statutory scheme.

15. The plea of legitimate expectation also cannot override the express statutory scheme. Where the Ordinance expressly permits appointment under Clause (2), no expectation contrary thereto can be enforced.

16. The contention that the Officiating Vice-Chancellor lacked competence to exercise the power under Clause (2) is also without merit. The appointment of a Head of the Department is a statutory function expressly vested in the Vice-Chancellor under the Ordinance. There is



nothing in the statutory framework to suggest that such power ceases to be exercisable when the office of Vice-Chancellor is being discharged in an officiating capacity. The communication dated 09th September, 2014 restricts Acting Vice-Chancellors from undertaking policy-level or structural decisions such as amendment of Statutes, creation of posts, or appointment of permanent teaching staff. The appointment of a HoD in accordance with the existing Statutes and Ordinances does not partake the character of such a structural decision. It is a tenure-based administrative assignment within the framework of the governing provisions and cannot be equated with appointment of permanent staff or alteration of statutory norms.

17. Counsel for the Respondent University has also drawn the attention of this Court to Clause (2) of Statute 3 under the heading “Power and Duties of the Shaikh-ul-Jamia (Vice-Chancellor)”, which provides that it shall be the duty of the Vice-Chancellor to ensure that the Act, the Statutes, the Ordinances and the Regulations are duly observed and that he shall have all powers necessary to ensure such observance.

18. The appointment of the HoD has been made strictly in terms of Statute 8 read with Ordinance IV. The invocation of Clause (2) of Ordinance IV cannot be viewed as a policy decision dehors the statutory framework but is, in fact, an exercise undertaken within the four corners of the governing provisions.

19. Insofar as the office order dated 12th September, 2025 is concerned, the contention of the Petitioner cannot be accepted. The seniority list handed over by learned Standing Counsel reflects that, during the interregnum, the inter se seniority position within the Department stood altered pursuant to the Career Advancement Scheme, as a result whereof Prof. Mukesh Pratap



Singh ranked senior to the Petitioner. In such circumstances, upon the incumbent Head proceeding on Casual Leave, the entrustment of routine duties to the next senior-most Professor cannot be said to be arbitrary or illegal. The decision of the University in this regard does not warrant interference.

20. In view of the aforesaid discussion, this Court finds no infirmity in either of the impugned office orders. The petition is accordingly dismissed. Pending applications, if any, also stand disposed of.

SANJEEV NARULA, J

FEBRUARY 4, 2026/ab