



2026:CGHC:12559-DB



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WA No. 223 of 2026

1 - The Director National Institute of Technology, G.E. Road, Raipur,
District - Raipur, Chhattisgarh.

2 - Union of India Through The Secretary, Ministry of Education, Shastri
Bhawan, New Delhi.

... Appellants

versus

Dr. Arif Khan S/o Shir Safiulla Khan Aged About 52 Years R/o Quarter
No.D-3, Nit Campus, Ge Road, District - Raipur, Chhattisgarh.

... Respondent

(Cause-title taken from Case Information System)

For Appellant No.1	:	Mr. Prateek Sharma, Advocate
For Appellant No.2	:	Mr. Ramakant Mishra, Deputy Solicitor General (through Video Conferencing)
For Respondent	:	Ms. Hamida Siddiqui, Advocate

Hon'ble Shri Ramesh Sinha, Chief Justice

Hon'ble Shri Ravindra Kumar Agrawal, Judge

Judgment on Board

Per Ramesh Sinha, Chief Justice

16.03.2026

1. Heard Mr. Prateek Sharma, learned counsel for appellant No.1 and Mr. Ramakant Mishra, learned Deputy Solicitor General appearing for appellant No.2 as well as Ms. Hamida Siddiqui, learned counsel appearing for the sole respondent.



2. By way of this writ appeal, appellants have prayed for following relief(s):-

“(i) That, this Hon'ble Court may kindly be pleased to call for the entire records pertaining to the present case. (ii) That, this Hon'ble Court may kindly be pleased to set aside the judgment and order dated 19.12.2025 passed by the learned Single Judge in WPS No. 1705 of 2023;

(iii) That, this Hon'ble Court may kindly be pleased to uphold the validity of the Board of Governors' decision dated 21.02.2023 and the consequential order dated 23.02.2023;

(iv) That, this Hon'ble Court may kindly be pleased to hold the Respondent had no right to seek continuation beyond the expiry of his contractual term;

(v) That, this Hon'ble Court may kindly be pleased to pass any such other or further order(s) as this Hon'ble Court may deem fit, proper and just in the circumstances of the case.

(vi) That, the Cost of the petition may kindly also be awarded to the appellant.”

3. The present intra Court appeal has been filed against the order dated 19.12.2025 passed by the learned Single Judge in WPS No.1705/2023 (*Dr. Arif Khan v. Union of India and another*), whereby the writ petition filed by the writ petitioner/respondent has been disposed of.



4. The brief facts projected before the learned Single Judge were that the writ petitioner was appointed to the post of Registrar in the National Institute of Technology, Raipur pursuant to an advertisement dated 24.01.2020 issued by the Institute inviting applications for one vacant post of Registrar. The advertisement stipulated that the recruitment would be governed by the Recruitment Rules, 2019, which were annexed thereto. Although the recruitment process was initially delayed due to the outbreak of the COVID-19 pandemic, a duly constituted Selection/Recruitment Committee was eventually formed comprising the Director, NIT Raipur, one Professor from NIT Jamshedpur, the Registrar of NIT Jalandhar, and a retired Chief Engineer from Raipur, with respondent No.2 therein acting as the Chairman of the Committee.
5. Pursuant to the said selection process, the writ petitioner was selected and appointed to the post of Registrar, NIT Raipur vide order dated 22.02.2021, and he joined the said post on 24.02.2021. It was the case of the writ petitioner that the appointment was made in accordance with the Recruitment Rules, 2019, which prescribe that the post of Registrar is to be filled for a fixed tenure of five years, subject to the prescribed conditions. It was further pleaded that during the course of his service, the writ petitioner discharged his duties with sincerity and dedication. His performance was placed for review before the 52nd Meeting of the Board of Governors held on 25.02.2022. In



the said meeting, the writ petitioner participated as the presenting officer only to the extent permissible and thereafter recused himself when the agenda relating to review of his performance was taken up for consideration. The Board of Governors, after deliberation, found the performance of the writ petitioner to be satisfactory and ratified the approval accorded by the Chairman for confirmation of his appointment for a period of five years with effect from the date of joining. The said decision of the Board of Governors was communicated to the writ petitioner vide letter dated 10.03.2022. However, according to the writ petitioner, no formal order confirming or extending his appointment for a fixed tenure of five years was issued by respondent No.2 therein despite the clear mandate contained in the Recruitment Rules, 2019 and Clause 21(1) of the NIT Statutes, which provide that the Registrar shall be appointed for a fixed term not exceeding five years on deputation or contract basis.

6. It was further case of the writ petitioner that being aggrieved by the non-issuance of a formal order confirming his tenure, he submitted a representation dated 11.03.2022 to respondent No.2 therein. He also contended that in several other National Institutes of Technology across the country, including NIT Srinagar and NIT Surat, Registrars had been appointed for a fixed tenure of five years in accordance with the statutory provisions, and therefore a different and discriminatory yardstick was being applied in his case. The writ petitioner further pleaded that during his tenure



certain complaints were made by some individuals within the Institute regarding his appointment. However, those complaints were examined and replies were furnished by the Chairperson of the Recruitment Committee as well as by respondent No.2 therein, and at no point of time was it found that the appointment of the writ petitioner suffered from any irregularity or illegality. When the writ petitioner raised the issue regarding discrepancy in the nature and tenure of his appointment before respondent Nos.1 and 2 therein i.e. appellants herein, the matter was placed as Agenda Item No.55.6 in the 55th Meeting of the Board of Governors held on 17.10.2022; however, the issue was deferred for consideration in a subsequent meeting. It was also alleged by the writ petitioner that thereafter certain powers vested in him were curtailed and transferred to other officials of the Institute vide letter dated 11.08.2022. Subsequently, by order dated 06.01.2023, his financial powers were withdrawn without affording him any opportunity of hearing, which according to him was in violation of the principles of natural justice and contrary to the provisions of the National Institutes of Technology Act, 2007, particularly Section 18(1), which declares the Registrar to be the custodian of the funds of the Institute.

7. The writ petitioner asserted that his service conditions are governed by the provisions of the National Institutes of Technology Act, 2007, the Statutes framed thereunder in the year 2009, and the Recruitment Rules, 2019, all of which clearly



provide that the Registrar is to be appointed for a fixed tenure of five years and also delineate the duties and powers attached to the said office. According to the writ petitioner, despite the aforesaid statutory framework, he was subjected to arbitrary and prejudicial treatment by the respondent authorities.

8. Being aggrieved by the order dated 06.01.2023 withdrawing his financial powers, the writ petitioner approached this Court by filing Writ Petition No. WPS/897/2023, wherein pleadings have already been completed. It was further contended that during the pendency of the said writ petition, the respondent authorities, with a predetermined intent, ultimately removed the writ petitioner from service without following the procedure established by law and without there being a duly appointed Director, which according to the writ petitioner was ex facie arbitrary, illegal and unsustainable.
9. Being aggrieved by the said action, the respondent/writ petitioner preferred the writ petition bearing WPS No.1705/2023 before the learned Single Judge, which was disposed of vide order dated 19.12.2025.
10. Calling in question the legality and propriety of the order dated 19.12.2025, the appellants/respondents therein have approached this Court by filing the present appeal.
11. Learned counsel for the appellants submits that the impugned judgment dated 19.12.2025 passed by the learned Single Judge is wholly unsustainable both in law as well. It is contended that the



learned Single Judge has failed to appreciate the material available on record in its proper perspective and has proceeded on erroneous assumptions. According to the appellants, the learned Single Judge has incorrectly treated the case as one involving termination having civil consequences, whereas in reality the case pertains merely to non-extension of a contractual engagement. It is submitted that the respondent was appointed as Registrar on a short-term contractual basis, subject to review and fulfillment of performance criteria, and therefore he had no vested or statutory right to claim continuation beyond the tenure for which he was initially appointed. It is further submitted that the non-renewal or non-extension of a fixed-term contractual appointment upon expiry of its term does not amount to punitive termination and does not attract the principles of natural justice, particularly when the action is not stigmatic in nature.

12. Learned counsel further submits that the learned Single Judge has committed a manifest error in recording a finding that the Board of Governors, in its 52nd Meeting, had resolved to confirm the respondent's appointment for a period of five years. According to the appellants, such a finding is contrary to the record. It is contended that the proceedings of the said meeting would clearly reveal that the Board merely noted that the respondent had completed one year of service satisfactorily, which was in consonance with the applicable Statutes governing the appointment. No decision or resolution was passed by the Board



granting the respondent a fixed tenure of five years. It is therefore argued that the finding recorded by the learned Single Judge is based on an erroneous interpretation of the record and has resulted in a fundamental factual error which goes to the root of the impugned judgment.

- 13.** It is also submitted that the learned Single Judge has erred in law in setting aside the communication dated 23.02.2023, even though the respondent had not challenged the foundational decision of the Board of Governors taken in its 56th Meeting held on 21.02.2023. According to learned counsel, it is a settled principle of administrative law that when the parent or foundational decision forming the basis of a consequential order is not under challenge, the consequential order cannot independently be quashed. In the present case, the respondent deliberately omitted to challenge the decision of the Board of Governors and confined his challenge only to the consequential communication. In such circumstances, it is contended that the learned Single Judge ought not to have interfered with the consequential order without examining or setting aside the foundational decision of the competent statutory authority.
- 14.** Learned counsel for the appellants further submits that under the provisions of the National Institutes of Technology Act, 2007, particularly Sections 11, 13 and 18, the Board of Governors is the supreme statutory body entrusted with the administration, control



and superintendence of the Institute. The decision of the Board not to extend the contractual tenure of the respondent was taken after due deliberation and upon consideration of relevant material, including objections raised by the Comptroller and Auditor General (CAG) with regard to the respondent's eligibility. It is therefore contended that the decision of the Board of Governors, being that of an expert statutory body, could not have been substituted by the opinion of the Court in exercise of judicial review unless it was shown to be arbitrary, mala fide or in violation of statutory provisions, none of which were established by the respondent in the writ proceedings.

15. Lastly, learned counsel submits that the writ petition itself had become infructuous inasmuch as the respondent had already accepted and joined another appointment as Finance Officer in a different Central University. It is contended that once the respondent voluntarily accepted and joined another statutory post, he ceased to have any subsisting or enforceable right to seek continuation in the appellant Institute. In such circumstances, the writ petition no longer involved any live controversy and ought to have been dismissed as infructuous. However, the learned Single Judge, despite noticing the said fact, proceeded to set aside the administrative order without granting any effective consequential relief, which according to the appellants has resulted in an anomalous and legally unsustainable outcome warranting interference by this in the present writ appeal.



- 16.** On the other hand, learned counsel appearing for the respondent/writ petitioner supports the impugned judgment dated 19.12.2025 passed by the learned Single Judge and submits that the same has been passed after due consideration of the pleadings, documents on record and the statutory scheme governing the field. It is contended that the learned Single Judge has rightly held that the action of the appellants in issuing the order dated 23.02.2023, whereby the services of the respondent were not continued on the post of Registrar, NIT Raipur, was arbitrary and in violation of the principles of natural justice. According to learned counsel, the respondent was appointed after a regular selection process pursuant to the advertisement dated 24.01.2020 and had joined the post on 24.02.2021. His appointment was governed by the National Institutes of Technology Act, 2007, the Statutes framed thereunder and the Recruitment Rules, 2019.
- 17.** Learned counsel further submits that the respondent had discharged his duties diligently and his performance was duly reviewed in the 52nd Meeting of the Board of Governors held on 25.02.2022. In the said meeting, the Board of Governors, after considering the performance review, found the respondent's performance to be satisfactory and approved his appointment for a period of five years from the date of joining. The said decision was also communicated to the respondent vide letter dated 10.03.2022. It is therefore contended that once the competent



authority had already considered the performance of the respondent and approved his tenure, the respondents could not subsequently reopen the matter and discontinue his appointment without following the due procedure prescribed under the governing statutes and rules.

18. It is further submitted that the impugned decision dated 21.02.2023 of the Board of Governors, pursuant to which the consequential order dated 23.02.2023 was issued, was taken without informing the respondent and without affording him any opportunity to place his case before the competent authority. Learned counsel submits that the respondent was neither issued any show-cause notice nor called upon to explain any alleged deficiency in his performance. Such action, which results in serious adverse civil consequences to the respondent, could not have been taken behind his back and in complete disregard of the audi alteram partem rule. The learned Single Judge has therefore rightly held that the impugned order suffers from procedural infirmity and violation of the principles of natural justice.
19. Learned counsel for the respondent further submits that the action of the appellants was also contrary to the statutory scheme under the National Institutes of Technology Act, 2007 and the Statutes framed thereunder. It is contended that the respondents adopted a discriminatory approach in the respondent's case, whereas similarly placed Registrars in other National Institutes of



Technology have been appointed and allowed to continue for the prescribed tenure in accordance with the Recruitment Rules. The abrupt discontinuation of the respondent's appointment, without any adverse material or finding regarding his performance, clearly demonstrates arbitrariness in the decision-making process.

- 20.** Lastly, learned counsel submits that the learned Single Judge has taken a balanced view of the matter while granting relief to the respondent. Though the impugned order dated 23.02.2023 was set aside on the ground of violation of principles of natural justice, the learned Single Judge has refrained from directing reinstatement of the respondent in view of the admitted fact that the respondent has subsequently joined the post of Finance Officer in the Central University of Kashmir. It is therefore contended that the impugned judgment neither suffers from any legal infirmity nor warrants interference in the present writ appeal and the appeal filed by the appellants deserves to be dismissed.
- 21.** We have heard learned counsel for the parties and perused the impugned judgment passed by the learned Single Judge and the pleadings and documents placed on record as also statutory framework governing the appointment and tenure of the Registrar of the National Institute of Technology, particularly the provisions of the National Institutes of Technology Act, 2007, the Statutes framed thereunder and the Recruitment Rules, 2019, which regulate selection, appointment and continuation of the said post.



- 22.** After appreciating the submissions advanced by the learned counsel appearing for the respective parties, and upon a detailed consideration of the pleadings, documents and the statutory framework governing the field, the learned Single Judge proceeded to examine the legality and validity of the impugned order dated 23.02.2023 whereby the services of the writ petitioner on the post of Registrar, National Institute of Technology, Raipur were decided not to be continued beyond the stipulated period. The learned Single Judge, while evaluating the rival contentions, took into account the provisions of the National Institutes of Technology Act, 2007, the Statutes framed thereunder and the Recruitment Rules, 2019 governing the appointment and tenure of the Registrar.
- 23.** The learned Single Judge further examined the factual matrix emerging from the record, including the circumstances relating to the appointment of the writ petitioner pursuant to the advertisement dated 24.01.2020, the subsequent review of his performance in the 52nd Meeting of the Board of Governors, and the decision communicated to him regarding satisfactory completion of his service. Upon such consideration, the learned Single Judge addressed the question as to whether the decision taken by the competent authority leading to the issuance of the impugned order dated 23.02.2023 was in conformity with the governing statutory provisions and the settled principles of administrative law.



- 24.** After analyzing the rival submissions and the materials placed on record, the learned Single Judge came to the conclusion that the decision-making process culminating in the impugned order suffered from procedural infirmities, particularly with regard to adherence to the principles of natural justice. At the same time, the learned Single Judge also took note of the subsequent development that the writ petitioner had, during the pendency of the proceedings, joined another post as Finance Officer in the Central University of Kashmir, and therefore considered it appropriate not to issue any direction for reinstatement, while nevertheless addressing the legality of the impugned administrative action.
- 25.** It is in the aforesaid backdrop that the learned Single Judge proceeded to pass the impugned judgment, the operative portion whereof reads as under:-

“11. The petitioner has approached this Court challenging the order dated 23.02.2023 passed by respondent No.2, whereby his appointment to the post of Registrar, National Institute of Technology, Raipur was decided not to be continued beyond the stipulated period.

12. The principal grounds of challenge are arbitrariness, violation of the provisions of the National Institutes of Technology Act, 2007, the Statutes and Recruitment Rules, 2019, as well as breach of the principles of natural



justice on account of absence of notice and opportunity of hearing. From the record, it is undisputed that the petitioner was appointed pursuant to an advertisement dated 24.01.2020 after undergoing a regular selection process conducted by a duly constituted Selection Committee, and that his appointment was governed by the Recruitment Rules, 2019. It is also not in dispute that the petitioner joined the post on 24.02.2021 and discharged his duties as Registrar thereafter. It further emerges from the material on record that the petitioner's performance was reviewed in the 52nd Meeting of the Board of Governors held on 25.02.2022. In the said meeting, after due consideration, the Board found the performance of the petitioner to be satisfactory and resolved to confirm his appointment for a period of five years from the date of joining. This decision was communicated to the petitioner vide letter dated 10.03.2022. However, despite such approval, no formal order confirming the petitioner's tenure for five years was issued, and subsequently certain administrative and financial powers vested in the petitioner were curtailed without affording him any opportunity of hearing.

13. The impugned order dated 23.02.2023 has been issued pursuant to a decision taken in the meeting dated 21.02.2023 of the Board of Governors, whereby it was decided not to



extend the petitioner's appointment beyond its then existing term. The petitioner was admittedly not informed of the said meeting nor granted any opportunity to place his case before the Board. In the facts of the present case, where the petitioner's performance had already been found satisfactory by the competent authority and his tenure approved earlier, this Court finds substance in the contention that a decision adversely affecting his continuation could not have been taken without adherence to the principles of natural justice.

14. At the same time, this Court cannot lose sight of the fact that the petitioner's appointment was contractual in nature, governed by the terms of the appointment letter, the Statutes and the Recruitment Rules, which contemplate periodic review and extension subject to the decision of the competent authority. The respondents have contended that the decision not to extend the petitioner's appointment was taken by the Board of Governors in exercise of its statutory powers and does not amount to termination or imposition of any stigma. The rival submissions thus disclose that the controversy lies in a narrow compass, namely the legality of the decision-making process culminating in the impugned order dated 23.02.2023, rather than the merits of the petitioner's performance. In the opinion of this Court, the impugned order suffers from



procedural infirmity, inasmuch as the petitioner was not afforded an opportunity of hearing before taking a decision having adverse civil consequences, particularly in the backdrop of the earlier approval of his tenure.

15. During the pendency of the present writ petition, it is an admitted position that the petitioner has already been appointed to the post of Finance Officer in the Central University of Kashmir, Government of India, and is presently working on the said post. This subsequent development has been brought to the notice of the Court by the respondents themselves.

16. In view of the aforesaid subsequent appointment, this Court is of the considered view that no useful purpose would now be served by issuing a mandamus for reinstatement or continuation of the petitioner on the post of Registrar, NIT Raipur. At the same time, the legality of the impugned order deserves to be addressed so that the petitioner is not left remediless and the issue is settled in accordance with law.

17. Accordingly, the writ petition is disposed of with the directions and observations that the impugned order dated 23.02.2023 (Annexure P-1) is set aside on the ground of violation of the principles of natural justice and procedural irregularity. However, in view of the admitted subsequent development that the petitioner has already been appointed and is working as



Finance Officer in the Central University of Kashmir, Government of India, no direction for reinstatement or continuation on the post of Registrar, NIT Raipur is issued. It is clarified that the petitioner shall be at liberty to choose where he desires to render his service. If the petitioner opts to continue on his present post, this judgment shall not be construed as compelling him to rejoin NIT Raipur. Conversely, if the petitioner seeks to avail any consequential benefit in accordance with law, the same shall be considered by the competent authority strictly in accordance with the applicable rules and statutory provisions.

18. The writ petition is thus disposed of in the above terms.”

- 26.** Having heard the learned counsel appearing for the respective parties and upon careful examination of the pleadings, documents placed on record and the statutory framework governing the field, this Court finds that the principal issue arising for consideration in the present appeal is whether the learned Single Judge was justified in interfering with the decision of the competent authority whereby the services of the writ petitioner on the post of Registrar, National Institute of Technology, Raipur were not continued beyond the stipulated period. The learned Single Judge set aside the order dated 23.02.2023 primarily on the ground that the decision adversely affecting the writ petitioner had been taken without affording him an opportunity of hearing and therefore suffered from violation of the principles of natural justice.



27. From the material available on record, it is evident that the appointment of the writ petitioner was contractual in nature and governed by the terms of the appointment order read with the provisions of the National Institutes of Technology Act, 2007, the Statutes framed thereunder and the Recruitment Rules, 2019. The said framework contemplates that the post of Registrar may be filled on deputation or contract basis for a specified tenure subject to the decision of the competent authority. The continuation or extension of such contractual engagement is therefore dependent upon the decision of the competent statutory body of the Institute and cannot be claimed as a matter of right. The learned Single Judge appears to have proceeded on the premise that the decision of the Board of Governors not to continue the writ petitioner beyond the stipulated term had civil consequences and therefore could not have been taken without affording him an opportunity of hearing. However, upon a closer scrutiny of the nature of the action impugned in the writ petition, it becomes evident that the decision in question did not amount to a punitive termination but merely related to the non-extension of a contractual engagement. It is well settled that where an appointment is contractual and for a fixed tenure, the non-renewal or non-extension of such engagement upon expiry of the stipulated period does not amount to termination attracting the principles of natural justice unless the action is stigmatic or founded upon allegations of misconduct.



- 28.** In the present case, the decision dated 21.02.2023 taken by the Board of Governors, pursuant to which the consequential communication dated 23.02.2023 was issued, does not record any adverse finding or stigma against the writ petitioner. The said decision merely reflects the administrative determination of the competent statutory body regarding the continuation of the contractual arrangement. The Board of Governors, under the scheme of the National Institutes of Technology Act, 2007, is the supreme governing authority entrusted with the administration and control of the Institute. In matters relating to appointment and continuation of senior administrative posts, the decision taken by such an expert statutory body is ordinarily not amenable to interference in exercise of judicial review unless it is shown to be arbitrary, mala fide or contrary to statutory provisions.
- 29.** In the case at hand, the writ petitioner did not lay any foundation to demonstrate that the decision of the Board of Governors was actuated by mala fides or was otherwise arbitrary or violative of any statutory provision. The learned Single Judge, in our considered opinion, erred in interfering with the administrative decision of the competent authority without adequately appreciating the contractual nature of the appointment and the limited scope of judicial review in such matters.
- 30.** Another aspect which merits consideration is that the order dated 23.02.2023 was issued in consequence of the decision taken by



the Board of Governors in its meeting held on 21.02.2023. The writ petitioner had confined his challenge primarily to the consequential communication dated 23.02.2023 without specifically assailing the foundational decision of the Board of Governors. In the absence of a challenge to the parent decision of the competent statutory authority, the consequential order could not have been independently set aside.

- 31.** It has also been brought to the notice of this Court during the course of hearing that certain subsequent developments have taken place after the passing of the impugned judgment by the learned Single Judge on 19.12.2025. It is not in dispute that the writ petitioner has tendered his resignation from his services of on 30.01.2026 while working at Jammu and Kashmir. Once the writ petitioner voluntarily resigned from service following the order passed by the learned Single Judge on 19.12.2025, the question of directing his reinstatement or continuation as Registrar at National Institute of Technology, Raipur ceases to survive for consideration. Any such direction at this stage would be purely academic and incapable of effective implementation. It has further been submitted on behalf of the writ petitioner that he had submitted a representation before the competent authority of the appellant Institute raising certain claims relating to his tenure and service conditions. In our considered view, the mere existence of such a representation cannot furnish a ground to sustain interference with administrative decision of competent authority.



32. It has also been contended on behalf of the writ petitioner that if his appointment were treated as one for a fixed tenure of five years from the date of joining, the tenure would have otherwise ended on 26.02.2026. The appellants, however, dispute this contention and maintain that the writ petitioner had no vested or statutory right to claim continuation for the said period. Having regard to the contractual nature of the appointment and the subsequent resignation tendered by the writ petitioner, we are of the considered view that it is neither necessary nor appropriate to adjudicate this controversy in the present proceedings.
33. For the reasons recorded hereinabove, this Court is of the considered opinion that the learned Single Judge was not justified in setting aside the order dated 23.02.2023. The decision of the Board of Governors not to extend the contractual tenure of the writ petitioner cannot be said to suffer from any legal infirmity warranting interference in the exercise of writ jurisdiction.
34. Consequently, the impugned judgment and order dated 19.12.2025 passed by the learned Single Judge in WPS No.1705/2023 is hereby set aside. Resultantly, the present writ appeal is **allowed**. All pending interlocutory applications, if any, shall also stand disposed of.

Sd/-
(Ravindra Kumar Agrawal)
Judge

Sd/-
(Ramesh Sinha)
Chief Justice