

GAHC040011882024



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)
(ITANAGAR BENCH)

Case No. : WP(C)/401/2024

Nich Bapu
permanent resident of Hiya village, PO Nyapin, District Kurung Kumey, Arunachal Pradesh.

VERSUS

The Rajiv Gandhi University and 2 Ors.
represented by the Registrar, RGU, Rono Hill, PO Doimukh, State of Arunachal Pradesh. 2:The Vice Chancellor

Age: 0

Occupation :

Rajiv Gandhi University

Rono Hills

Doomukh

PO Doimukh

Arunachal Pradesh.

3:The Registrar

Age: 0

Occupation :

Rajiv Gandhi University

Rono Hills Doimukh

PO Doimukh

Arunachal Pradesh

Advocate for the Petitioner : Tar Torum, J Jasmine,N Tate,Tayum Son

Advocate for the Respondent : , Regum Nabam,S/C RGU

BEFORE

HON'BLE MR. JUSTICE SANJAY KUMAR MEDHI
JUDGEMENT AND ORDER (ORAL)

12.02.2026

The present application under Article 226 of the Constitution of India has been filed in connection with an Advertisement published on 28.08.2024 by the respondent No. 3 for filing up, amongst others, for the post of Assistant Registrar in the Rajiv Gandhi University.

2. As per the facts projected, the petitioner has been working for the last more than 20 years as a Section Officer in the Rajiv Gandhi University (for short, 'RGU'). As per the existing procedure, the post of Assistant Registrar are to be filled up both by direct recruitment and by promotion in the 50-50 ratio. As per the earlier Rules 2015 of the University, the post of Assistant Registrar by way of promotion was to be filled up by seniority. However, in the impugned notification/ Advertisement dated 28.08.2024 there is a prescription of a written test which according to the petitioner is not in accordance with the Rules. It is also contended that no new Recruitment Rules have been framed, the Model Rules of 2022 cannot be taken into consideration with a proper permission from the University Grant Commission (for short, 'UGC') .

3. I have heard Shri T. Torum, learned counsel for the petitioner. I have also heard Shri R. Nabam, learned Standing counsel for the RGU.

4. Shri Torum, the learned counsel for the petitioner has submitted that a communication was issued by the Ministry of Human Resource, Govt. of India dated 13.08.2015 as per which, no selection process was to be initiated within a period of 2 (two) months from the date of retirement of the Heads/Chairman of the Organization. He has submitted that the existing Vice Chancellor was appointed on 04.10.2018 for a period of 5(five) years and one year was extended. After the extended period, his term would have expired on 30.10.2024. Therefore, the Advertisement dated 28.08.2024 which has been issued within 2 (two) months from the date of such expiry of term is in conflict with the aforesaid guidelines. The learned counsel has also drawn the attention of this Court that the UGC had directed vide a communication

dated 14.08.2015 to frame Recruitment Rules, wherein, the aspect of the interview should not be added. He has also submitted that in a communication of November 2017, it has been specifically clarified that for the promotional segment of the post of Assistant Registrar such promotion has to be made on the basis of seniority and written test cannot be held. The learned counsel has submitted that in this case there is an interim order which is operating and therefore, the petition may be allowed with a direction to carry out the selection process on the basis of Seniority-cum-fitness as prescribed in the Rules of 2015.

5. Per contra, Shri Nabam, the learned Standing Counsel for the University has submitted that projection made is incorrect both on facts and law. He has informed that the RGU has as many as 5 (five) numbers of sanctioned post of Assistant Registrar and going by the ratio of 50-50 for direct recruitment and promotion, 2 (two) persons have already been appointed on direct recruitment basis. Out of the 3 (three) posts on promotional quota, one had fallen vacant, for which the Advertisement was issued on 28.08.2024.

6. By drawing the attention of this Court to the affidavit-in-opposition, the learned Standing Counsel for the University has referred to a communication dated 27.09.2022 issued by the UGC to all the Registrar of the Central University on the aspect of formation of a Model Cadre Recruitment Rules. He has also submitted that so far as the Rules of 2015 are concerned, those were rejected by the UGC and in this connection, he has drawn the attention of this Court to the communication of November 2017, whereby the UGC had written to the Ministry for withdrawal of the earlier Recruitment Rules. He has also submitted that the aspect of going ahead with the recruitment process was permitted by the Competent Authority vide a communication dated 03.11.2023. He has also relied upon the decision of the High Court of Jammu and Kashmir and Ladakh dated 05.05.2025 rendered in the case of *Sanjeev Gupta-vs-Central University of Jammu* in which it has been laid down that for the post of Assistant Registrar, selection can be done through written test. Reliance has also been placed by the Hon'ble Supreme Court reported in *(2023) 3 SCC 773 (State of Himachal Pradesh and Others-vs-Anurag Sharma and Others)*, wherein, it has been laid down that an employee has no vested right to be promoted on the basis of repealed Rules.

7. In his rejoinder, Shri Torum, the learned counsel has submitted that there is a direction of the UGC that the Model Cadre Recruitment Rules are not enforceable and without framing the Recruitment Rules, no recruitment can be made. He has emphasized that the Rules of 2015, *per se* were not repealed. He has also submitted that the communication dated 03.11.2023 giving permission to go ahead with the recruitment is not touching the on the aspect of non-availability of Recruitment Rules of the University.

8. The rival contentions have been duly considered and the matters placed before the Court have also been carefully examined.

9. The challenge is with the Advertisement dated 28.08.2024 for filing up, amongst others for the post of Assistant Registrar. Admittedly, the petitioner is a Section Officer which is the feeder cadre for filing up of 50% of the cadre strength of the Assistant Registrar as per the Rules holding the field. The issue which has arisen for determination is the process of filing up of the said post of Assistant Registrar through promotion *viz-a-viz* the Rules holding the field.

10. It appears that the respondent-University had a set of Recruitment Rules of 2015 as per which the said post by promotion was to be filled up on the basis of seniority-cum-fitness. The said Recruitment Rules were however considered by the UGC and vide the communication of November 2017, a direction was given for withdrawal of the said Recruitment Rules. This Court is also apprised that a Model Cadre Recruitment Rules have been formulated based upon which each of the University are required to frame their own Recruitment Rules. Though the learned counsel for the petitioner may be correct in contending that there are communications to show that the Model Cadre Recruitment Rules are not enforceable, in absence of the Rules being formulated by the respondent-University, it is the spirit and principle of Model Cadre Recruitment Rules which are required to be followed. The Model Rules prescribe that the post of Assistant Registrar is to be filled up on

the basis of merit-cum-fitness. It is also the settled principle of service jurisprudence that in the promotional ladder, while the post at the beginning of the ladder can be filled up on the basis of seniority, the post which are at the top of the ladder are to be filled up on merits as those posts would require specialized skills. It is not in dispute that the post of Assistant Registrar is a superior post.

11. As regards the submissions made that the impugned notification was issued within a period of less than 2 (two) months from the date of expiry of the term of the then Vice Chancellor, this Court has noted that the Competent Authority vide the communication dated 03.11.2023 had accorded permission for going ahead with the recruitment process.

12. In view of the aforesaid facts and circumstances and discussions made above, this Court is of the considered opinion that no case for interference is made out. The writ petition is accordingly dismissed and the interim order is vacated.

13. Since the post in question is lying vacant in terms of the interim order passed by this Court today which has been vacated today, the University would take expeditious steps for completing the recruitment process in which the petitioner who is eligible would be treated at par along with other similarly situated persons.

JUDGE

Comparing Assistant