



2025:CGHC:22262

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**Order Reserved on : 06.03.2025****Order Delivered on : 22.05.2025****WPS No. 8005 of 2022**

Dr. Shailendra Kumar Patel S/o Late Shri Baratram Patel Aged About 48 Years R/o - Lig-37, Sector - 02, Shankar Nagar, Raipur (C.G.)

--- Petitioner**Versus**

1 - State Of Chhattisgarh Through - Its Secretary, Department Of Higher Education, Mantralaya, Mahandi Bhawan, Atal Nagar, Raipur (C.G.).

2 - Under Secretary Department Of Higher Education, Mantralaya, Mahandi Bhawan, Atal Nagar, Raipur (C.G.).

3 - Commissioner, Higher Education Indravati Bhawan, Atal Nagar, Raipur (C.G.).

4 - Smt. Sharda Verma, Commissioner Higher Education, Indravati Bhawan, Atal Nagar, Raipur (C.G.).

--- Respondents**WPS No. 7350 of 2023**

Dr. Shailendra Kumar Patel S/o Late Shri Baratram Patel Aged About 49 Years Occupation- Service, Presently Working As Acting Registrar At Pt. Ravi Shankar Shukla University Raipur, R/o - Lig-37, Sector 02, Shankar Nagar, Raipur (C.G.).

---Petitioner

Versus

1 - State Of Chhattisgarh Through Its Secretary, Department Of Higher Education, Mantralaya, Mahanadi Bhawan, Atal Nagar, Raipur (C.G.).

2 - Under Secretary Department Of Higher Education, Mantralaya, Mahanadi Bhawan, Atal Nagar, Raipur (C.G.).

3 - Commissioner Higher Education, Indravati Bhawan, Atal Nagar, Raipur (C.G.).

--- Respondents

(Casue-title taken from Case Information System)

For Petitioner(s)	:	Mr. Neeraj Choubey, Advocate.
For Respondent(s)/State	:	Mr. Vivek Sharma, Additional Advcoate General and Mr. Ajeet Singh, Government Advocate.
For Respondent No. 4 in WPS No.8005/2022	:	Ms. Rakshita Mishra, Advocate on behalf of Mr. Chandresh Shrivastava, Advocate.
For Intervenor	:	Mr. C. J. K. Rao, Advocate.

Hon'ble Mr. Justice Amitendra Kishore Prasad**C A V Order**

1. Since both the matters are interlinked, they were clubbed, heard together and are being decided by this common order.
2. Writ petition being WPS No. 8005/2022 was filed by the petitioner by which the claim of the petitioner has been rejected for appointment on the post of Registrar under the State Universities Services Rules, 1983, in which vide order dated 17.11.2022, this Court has issued notice to the respondent authorities to pass interim order dated 17.11.2022 while directing that any

appointment on the post of Registrar shall be subject to final outcome of this writ petition. Thereafter, the State has filed a writ appeal bearing Writ Appeal No. 613/2022 before Hon'ble Division Bench, although, same was withdrawn with liberty to prefer an appropriate application for preferring a Review Petition bearing Review Petition No. 11/2023 before this Court. After disposal of Writ Appeal No. 636/2022, the petitioner has filed the Contempt Petition No. 01/2023 in which vide order dated 29.08.2022, this Court has directed the respondent State to appoint the petitioner on the post of Registrar. Thereafter, in pursuance of aforesaid order passed by this Court, the petitioner was though appointed as Registrar under the Pay Matrix 16, though, in the appointment order itself it was stated that the posting order of the petitioner will be issued separately. However, when the petitioner was not given any posting order inspite of having appointment order for the post of Registrar, the petitioner approached before the State. Thereafter, on 2.5.2023 Under Secretary of Higher Education has issued posting order of the petitioner, despite, the said order indicates that the petitioner was posted at Deputy Registrar in Pt. Ravishankar Shukla University, Raipur and ultimately inspite of posting the petitioner as Registrar, an order dated 31.8.2023 was passed by the State by which the petitioner was posted as Commissioner Higher Education Department on temporary basis.

The petitioner has challenged the said order in the present Writ Petition No. 7350/2023.

3. In the Writ Petition No. 8005/2022, the petitioner has prayed for following reliefs:-

"I. That, Hon'ble court may kindly be pleased to issue an appropriate writ (s)/direction (s)/order in favour of the petitioner and quash, set aside the impugned letter No. F 1-9/2021/38-2 Nava Raipur Atal Nagar, dated 31/10/2022 issued by the respondent no.2 (Annexure-P/1).

II. That, the Hon'ble High Court may kindly please to issue appropriate Writ/Directions for conducting the high-level enquiry from the independent agency regarding the Act and action of the responsible higher officers of the Higher Education Department, those are harass the petitioner by withholding posting order of the petitioner on the post of Registrar.

III. That, the Hon'ble High Court may kindly be pleased to impose the heavy cost of Rs. 50 Lakhs upon the respondent authority those are suppressed the material fact and violated the legal right of the petitioner.

IV. Any other relief/relief's, which this Hon'ble Court may think fit and proper in the facts and circumstances of the case, with cost of the petition, may also please be granted to the petitioner."

4. The aforesaid cases were filed challenging the order dated 31.10.2022 by which the State has issued a letter/memo stating that the petitioner is not having required qualification for appointment to the post of Registrar in University as such his candidature has already been rejected. During the pendency of this writ petition, when an another order dated 31.08.2023 was passed by which the petitioner was posted as Commissioner Higher Education Department inspite of Registrar, challenging the said order, writ petition was filed.
5. In the Writ Petition No. 7350/2023, the petitioner has prayed for following reliefs:-

"1. That, Hon'ble court may kindly be pleased to issue an appropriate writ (s)/direction (s)/order in favour of the petitioner by directing the respondent authority to allow the petitioner to join the post of Registrar in the University established under the C.G. University act 1973, and further quash, set aside the impugned order No. F1 9/2021/38-2 Part-2, Nava Raipur Atal Nagar, dated 31.08.2023 (ANNEXURE-P/1) issued by the respondent no.2 by declaring the same is bad in law, under the light of the provision of the State Universities services rule 1983.

II. That, the Hon'ble Court may further direct the respondent authority for sanctioning the lien for the petitioner in accordance to the law.

III. Any other relief/relief's, which this Hon'ble Court may think fit and proper in the facts and circumstances of the case, with cost of the petition, may also please be granted to the petitioner.

IV. That, looking into the provision of rule 10 of the CG State Universities Service rule, The Hon'ble. High Court may kindly be pleased to quash, set-aside the inquiry report (Annexure D-1) and the consequent letter dated 22.03.2024 (Annexure D-2) by declaring the both are bad in law.

V. That the Hon'ble High Court may kindly pleased to direct the respondents authorities to treat the appointment of the petitioner on the post of Registrar, from the date of 30.09.2021, that is the date on which the recommendation was made by the CGPSC and may kindly further direct the respondents for granting all the consequential benefits accordingly.”

6. The petitioner was initially directly recruited and selected for the post of Deputy Registrar under the cadre of State University Services and vide order dated 26.02.2016 he was appointed as Deputy Registrar in the State University. The services of the petitioner are governed with the State Universities Service Rules, 1983 and as per Service Rules he was eligible for appointment to

the post of Registrar to the University. A Departmental Promotion Committee was convened for promotion on the post of Deputy Registrar to Registrar. The petitioner was found fit in all respect for promotion to the post of Registrar, nevertheless, due to non availability of vacant post of Registrar, the petitioner could not be promoted as Registrar. Later on, the Chhattisgarh Public Service Commission has initiated process for direct recruitment for the post of Registrar under the State University Cadre and three posts of Registrars were advertised by the Chhattisgarh Public Service Commission. The petitioner participated in the said recruitment process and has successfully selected as Registrar in the merit list. However, whenever after selection he was not appointed as Registrar he moved a Writ Petition being No. 780/2022. The said Writ Petition was disposed of vide order dated 29.08.2022 while directing the State authorities to issue appointment order in favour of the petitioner for the post of Registrar within a period of four weeks. Subsequently, when the State had tried to cancel the selection of the petitioner on the post of Registrar and tried to give appointment to the waiting list candidates and for this vide letter dated 31.10.2022, the claim of the petitioner was rejected for appointment on the post of Registrar, it was challenged by the petitioner in WPS No. 8005/2022.

7. According to the petitioner, in order to avoid appointment of the petitioner for the post of Registrar, the State has filed a writ appeal against the order dated 29.08.2022 passed in WPS No. 780/2022. However, the said writ appeal was withdrawn by the State with liberty to file a review petition. A Review Petition No. 11/2023 was filed and in the meanwhile the petitioner has also moved a Contempt Petition No. 1/2023 for compliance of order dated 29.08.2022 in which vide order dated 31.3.2023, this Court has directed the respondent authorities to issued appointment order in favour of the petitioner. Vide order dated 10.4.2023 appointment order for the post of Registrar was issued in favour of the petitioner under pay matrix 16, however, posting order has not been given stating that it will be passed separately. Thereafter, instead of posting the petitioner as Registrar, the State authorities have posted the petitioner on the post of Commissioner Higher Education Department vide order dated 31.08.2023. The petitioner being aggrieved by the aforesaid order has again challenged the said order in the present Writ Petition No. 7350/2023.
8. It was the case of the petitioner that the respondent authorities have illegally violated the provisions of Article 14 and 16 of Constitution of India. They have also passed the aforesaid order against the State Universities Services Rules, 1983, it was the

further case of the petitioner that when the petitioner was selected for the post of Registrar in due process of recruitment and when the appointment order was also issued in favour of the petitioner for the post of Registrar, the respondent State cannot and could not post the petitioner on the post of Commissioner Higher Education Department. The advertisement was issued while stating that 3 posts of Registrars are lying vacant, however, inspite of having vacancy only in order to avoid appointment to the petitioner, the petitioner was illegally harassed by the respondent authorities. The petitioner was earlier selected and appointed on the post of Deputy Registrar and thereafter when the DPC was conducted he was found fit for promotion to the post of Registrar, but, due to non availability of vacant post of Registrar, the petitioner could not be promoted, however, in the meanwhile when the posts are lying vacant and an advertisement was issued for direct recruitment on the post of Registrar, the petitioner has filed an application, participated in the recruitment process and he was also selected on merits for the post of Registrar. Since the petitioner was recruited and selected for 3 vacant posts of the Registrars, he was required to be issued appointment and posting order also. But, again, the respondent authorities have illegally not issued an appointment order in respect of the petitioner for the post of Registrar, as they

are biased against the petitioner. The reason based to known the respondent authorities they are clearly avoided appointment of the petitioner to the post of Registrar. By hooks and crooks they anyhow wanted that the petitioner may not be appointed as Registrar. For that they have challenged the order by which directions were issued for appointment of petitioner to the post of Registrar. When they could not successful in the writ appeal, they withdrawn it and thereafter, they have filed a review petition. In the meanwhile, in the contempt petition they were directed to give appointment to the petitioner. Now, when they failed in every forum in order to again harass the petitioner, they have issued appointment order in favour of the petitioner to the post of Registrar, however, posting order has not been given and in order to side line the petitioner, they have posted the petitioner to the post of Commissioner Higher Education Department in an illegal and arbitrary manner which has been challenged in these petitions.

9. Learned counsel for the petitioner submits that there is nothing to show on record that why the petitioner who has been selected to the post of Registrar cannot be given posting order in respect of Registrar inspite of the fact that appointment order has been issued in his favour. The entire acts of the respondent authorities smacks with arbitrariness and favoritism. They are acting against

the Rules 23 of the State Universities Service Rules, 1983 and are violating Article 14 and 16 of the Constitution of India. The entire acts of the respondent authorities are full of bias and malafides. According to the petitioner, one Rahul Giri Goswami a so-called journalist has demanded some money for issuing posting order on the post of Registrar in the name of Higher Officer of the office of respondent No. 3. When the petitioner refused to give the illegal demand a series of fake complaints were made against the petitioner. The petitioner has moved an application for registration of FIR under Section 156 (3) of the Cr.P.C. to the JMFC, Raipur. Though there are availability of vacant post of Registrar in the Universities situated at Raigarh, Bilaspur, Bastar and Raipur. Nonetheless, he is not being posting as Registrar and is still working as Acting Registrar. The petitioner is a officer of the University under the C.G. University Act, 1973 and as per Rules 23 of the State Universities Service Rules, 1983 on his selection on merits and upon vacancy to the post of Registrar. He is required to be posted on the said post. The denial of posting on the post of Registrar is illegal, arbitrary and malafide acts of the respondent authorities. The State is only cadre controlling authority as per Rules 23 of the State Universities Service Rules, 1983. The authority to pay salary as Registrar is the University. The office of Registrar of any

University is defined under the C.G. University Act, 1973. He cannot be an employee of State Government which is evident from letter dated 19.06.2023. Learned counsel for the petitioner relied upon various judgments of Hon'ble Supreme Court and this Court in order to demonstrate that the action of the State is palpably illegal and cannot be sustained even for a second.

10. On the other hand, learned counsel for the State vehemently opposes the submissions raised by the petitioner while stating that the petitioner does not fulfill requisite qualification for appointment to the post of Registrar and therefore even after his selection he could not be given appointment to the post of Registrar. The petitioner is relying upon the Rules 23 of the State Universities Service Rules, 1983 before amendment, however, subsequently in the Rules the Chhattisgarh has incorporated amendments which has been published in Gazetted Notification dated 27.12.2011. According to the said amendment in Scheduled-II for appointment to the post of Registrar, the requisite qualification would be 15 years of administrative experience in which at least 8 years of work was while performing duties of Deputy Registrar or any equivalent post or 15 years experience in the Gazetted post of State Civil Services. According to the State, the petitioner does not fulfill the said criteria and as such he cannot be appointed and, therefore,

inspite of appointment to the petitioner to the post of Registrar of any University, the services of the petitioner has been attached to the office of respondent No. 3 i.e. Commissioner, Higher Education Department. After being selected for the post of Registrar, the documents of the petitioner were verified which were issued by Higher Education Department. Upon verification, it was found that the petitioner who is at Serial No. 2 in the select list was not fulfilling the essential conditions as laid down in the advertisement. The petitioner was given an opportunity of being heard but he could not satisfy that he is fulfilling the requisite criteria as laid down by the State for appointment to the post of Registrar and as such vide letter dated 31.10.2022 of the Higher Education Department the candidature of the petitioner for the post of Registrar was declared to be void and invalid. When the petitioner has moved a contempt petition in which Contempt Petition No. 1/2023 and in Review Petition No. 11/2023 certain orders have been passed by this Court.

11. In Review Petition No. 11/2023 relevant para is quoted below for ready reference:-

“Without going into merits whether the writ petition is maintainable or not, to resolve the dispute it is directed that the State shall issue appointment order of the petitioner provisionally and liberty is also granted to the State to

conduct enquiry, if any required, for verification of the documents submitted by the petitioner while securing appointment and participating with the selection process.”

12. Subsequently, a Committee was constituted in order to verify the eligibility of the petitioner vide order dated 25.04.2023. The said Committee has given its finding which is quoted below:-

"निष्कर्ष :-

1. श्री शैलेन्द्र पटेल द्वारा जानाकारी नहीं दी गई है कि उन्हें ए.जी.पी. क 6000 से ए.जी.पी. रु 7000/- किस आदेश के तहत प्राप्त हुआ है। उनके द्वारा यह जानकारी भी नहीं दी गई है कि उन्हें ए.जी.पी. रु 7000/- से एजीपी रु 8000/- किस आदेश के तहत प्राप्त हुआ है।
2. उपलब्ध अभिलेखों के अनुसार श्री पटेल द्वारा एजी.पी. रु 6000/- में लगभग 04 वर्ष 11 माह की सेवा शिक्षक / सहायक प्राध्यापक के रूप में मान्य किया जा सकता है।
3. उपलब्ध अभिलेखों के अनुसार श्री पटेल द्वारा ए.जी.पी रु 7000/- में लगभग 06 वर्ष 01 माह की सेवा शिक्षक / सहायक प्राध्यापक के रूप में मान्य किया जा सकता है।
4. उपलब्ध अभिलेखों के अनुसार श्री पटेल द्वारा ए.जी.पी. रु 8000/- में लगभग 23 वर्ष 04 माह की सेवा शिक्षक / सहायक प्राध्यापक के रूप में मान्य किया जा सकता है।
5. नियमों में प्राकधानित है कि कुलसचिय के पद हेतु सहायक प्राध्यापक के रूप में अकादमिक पैड वेतन (एजीपी)

रूपये 7000 में 15 वर्ष के अध्यापन का अनुभव अथवा अकादमिक ग्रेड रूपये 8000 या उससे अधिक में 8 वर्ष का अनुभव जिसमें सह प्राध्यापक के रूप में अध्यापन तथा शैक्षणिक प्रशासन में अनुभव शामिल है।

श्री पटेल द्वारा अकादमिक ग्रेड पे रू. 7000/- में लगभग कुल 06 वर्ष 01 माह की सेवा तथा अकादमिक ग्रेड पे रू. 8000/- में लगभग कुल 03 वर्ष 04 माह की सेवा प्रदान किये जाने के कारण कुलसचिव के पद हेतु "छत्तीसगढ़ राज्य विश्वविद्यालय सेवा नियम, 1983" में वांछित निर्धारित अहताएं पूर्ण नहीं करते हैं।"

13. It was argued that since the petitioner does not fulfill the requisite criteria to be appointed to the post of Registrar as such his candidature cannot be taken into consideration. However, in compliance of order dated 31.08.2023 a provisional posting has been given to the petitioner.
14. In the Review Petition No. 11/2023, this Court vide order dated 17.04.2023 has passed the following orders:-

"1. Learned counsel for the respondents would submit that the order passed by this Court on 29.08.2022 and subsequent order on 31.03.2023 have been complied with. The respondents have issued appointment order in favour of the petitioner subject to further verification of the facts related with credentials of the petitioner vide order dated 10.04.2023.

2. Since, the respondents have complied with the order passed by this Court, there is nothing remained to be adjudicated by the Court in the contempt proceedings, accordingly, the contempt proceeding is dropped.

3. Accordingly, the Review Petition has lost its significance in wake of the subsequent development that has taken place, therefore, the Review Petition is also dismissed."

15. Accordingly, a provisional posting was given to the petitioner to the post of Registrar which cannot be said to be legal one.
16. Since, the petitioner does not fulfill the requisite criteria to be appointed to the post of Registrar as such instead of posting the petitioner to the post of Registrar, he has been attached to the office of Commissioner, Higher Education Department and while doing so the respondent authorities have not committed any illegality. Accordingly, this petition being sans merit is liable to be dismissed in threshold.
17. I have heard learned counsel for the parties and perused the material available on record.
18. The services of the petitioner was approved by the State and the petitioner was appointed to the post of Deputy Registrar way back on 26.02.2016. He was directed to be consider for promotion post of Registrar as he fulfills the criteria for promotion

to the said post, however, due to unavailability of post, he could not be appointed.

19. According to Gazette Notification dated 27.12.2011, the petitioner was required to be appointed only when he is having administrative experience of 15 years, out of which atleast 8 years for the post of Deputy Registrar. Since, the petitioner was appointed on 26.02.2016 and in the year 2022 when the advertisement was issued for appointment of Registrar he has not completed 8 years as Deputy Registrar, as such he was not appointed. Selection for any post will not give any right to an employee to be appointed on a particular post.

20. The relevant portion in respect of appointment of Registrar, is reproduced below :-

S. No.	Name of post included in the Service	Minimum Age Limit	Maximum Age Limit	Educational Qualifications
(1)	(2)	(3)	(4)	(5)
1.	Registrar	40 Years	50 Years	<p>Essential-</p> <p>(i) Post Graduate degree from a recognized university with minimum 55% marks /B Grade on 7 point scale of UGC or its equivalent.</p> <p>(ii)(a) 15 years of teaching experience as Assistant Professor with Academic Grade Pay (AGP) Rs.7000/- or 8 years experience in academic grade pay of Rs.8000/- or more, which includes Teaching experience</p>

				<p>as Assistant Professor and Academic Administration.</p> <p style="text-align: center;">OR</p> <p>(b) Equivalent experience in any Research Institution or Institution of Higher Education.</p> <p style="text-align: center;">OR</p> <p>(c) 15 years of administrative experience, of which 8 years as Deputy Registrar or an equivalent post or 15 years experience in a Gazetted post of State Civil Services.</p> <p>Desirable-</p> <p>Ph.D. or higher degree for candidates with teaching experience and M.B.A. degree for candidates with administrative experience, provided that the M.B.A. degree has not been shown as the minimum essential qualification as Post Graduate Degree.</p>
--	--	--	--	---

- 21.** The Hon'ble Supreme Court in a recent judgment has held that selection itself could not give right to an employee to be appointed for the said post. In the present case, when after selection, the documents of the petitioner was verified, it was found that the petitioner is not having 8 years of experience.
- 22.** From the Gazette Notification as well as documents appended with the reply of the State, it appears that, the petitioner was not having requisite qualification as prescribed in the Gazetted Notification dated 27.12.2011. He has not completed 8 years of

service as Deputy Registrar which is requisite criteria for the post of Registrar. Though, the petitioner has pleaded malafides and biasness, however, it has not been proved. The petitioner has raised this issue in order to camouflage. Once, the petitioner is found to be ineligible to be appointed for the post of Registrar, he cannot be posted to the post of Registrar, even if any direction has been issued in this respect since the selection itself is not in accordance with law, therefore, the petitioner cannot be permitted to be appointed to the post of Registrar. Once, the petitioner has failed to prove that he is having requisite qualification for the post of Registrar, as such, even in the stretch of imagination he cannot be posted to the post of Registrar.

- 23.** Unless and until, the petitioner who is seeking his appointment as Registrar of the University fulfills all the requisite criteria, he cannot be appointed on the post of Registrar. After selection, when the documents of the petitioners were verified, it was found that the petitioner is not having requisite qualification for appointment of Registrar as per Gazette notification dated 27.12.2011. The claim of the petitioner was further examined by the Commissioner and a report to this effect has been submitted before the respondent No.2, Secretary, Department of Higher Education, Raipur, Chhattisgarh. In the report, in pursuance to the letter dated 06.09.2022, the Commissioner call the petitioner as well as one

Animesh Dewangan and upon verification of the documents as well as experience, it was found that the petitioner has not filed any additional document to show that he is having requisite qualification as envisaged under the amended Rules of Chhattisgarh Vishwavidyalaya Adhiniyam, 1973 (for short, "Adhiniyam, 1973") as such, the petitioner even after getting selection for the post of Registrar, could be appointed as Registrar and hence, in pursuance of order passed by this Court, the petitioner was attached to the office of respondent No.3, i.e. Commissioner, Higher Education Department.

24. The Hon'ble Supreme Court in the matter of ***Commissioner of Police and another v. Umesh Kumar, (2020) 10 SCC 448***, has observed as follows:-

"19. The real issue, however, is whether the respondents were entitled to a writ of mandamus. This would depend on whether they have a vested right of appointment. Clearly the answer to this must be in the negative. In Punjab SEB vs. Malkiat Singh, (2005) 9 SCC 22, this Court held that the mere inclusion of candidate in a selection list does not confer upon them a vested right to appointment. The Court held:

"4. ...the High Court committed an error in proceeding on the basis that the respondent

had got a vested right for appointment and that could not have been taken away by the subsequent change in the policy. It is settled law that mere inclusion of name of a candidate in the select list does not confer on such candidate any vested right to get an order of appointment. This position is made clear in para 7 of the Constitution Bench judgment of this Court in Shankarsan Dash v. Union of India, (1991) 3 SCC 47 which reads: (SCC pp.50-51)

“7. It is not correct to say that if a number of vacancies are notified for appointment and adequate number of candidates are found fit, the successful candidates acquire an indefeasible right to be appointed which cannot be legitimately denied. Ordinarily the notification merely amounts to an invitation to qualified candidates to apply for recruitment and on their selection they do not acquire any right to the post. Unless the relevant recruitment rules so indicate, the State is under no legal duty to fill up all or any of the vacancies. However, it does not mean that the State has the licence of acting in an arbitrary manner. The decision not to fill up the vacancies has to be taken bona fide for appropriate reasons. And if the vacancies or any of them are filled up, the State is bound to respect the comparative merit of the

candidates, as reflected at the recruitment test, and no discrimination can be permitted. This correct position has been consistently followed by this Court, and we do not find any discordant note in the decisions in State of Haryana v. Subash Chander Marwaha, (1974) 3 SCC 220, Neelima Shangla v. State of Haryana, (1986) 4 SCC 268 or Jatinder Kumar v. State of Punjab, (1985) 1 SCC 122.'

(emphasis in original)"

25. Further, the Hon'ble Supreme Court in the matter of ***Tej Prakash Pathak and others v. Rajasthan High Court and others, (2025) 2 SCC 1***, has observed as follows:-

"64. Thus, in light of the decision in Shankarsan Das (supra), a candidate placed in the select list gets no indefeasible right to be appointed even if vacancies are available. Similar was the view taken by this Court in Subash Chander Marwaha (supra) where against 15 vacancies only top 7 from the select list were appointed. But there is a caveat. The State or its instrumentality cannot arbitrarily deny appointment to a selected candidate. Therefore, when a challenge is laid to State's action in respect of denying appointment to a selected candidate, the burden is on the State to justify its decision for not making

appointment from the Select List.”

- 26.** It is trite law that any aspirant who has put his candidature for some post even if he is selected for the said post, it will not give any indefensible right to him to get appointed on the said post. There are various aspects upon which a person can be denied appointment even after his selection.
- 27.** Taking into consideration overall facts and circumstances of the case as well as further considering the judgments in the matters of **Umesh Kumar** (supra) and **Tej Prakash Pathak** (supra), this Court is of the view that since the petitioner is not fulfilling the requisite qualification in respect of experience, which is required as per Adhinyam, 1973, as amended vide amendment incorporated on 27.12.2011, as such, he could not be appointed on the post of Registrar of the University.
- 28.** In the result, I do not find any merit in both the writ petitions, which are accordingly dismissed. There shall be no order as to cost(s).

Sd/-
(Amitendra Kishore Prasad)
Judge