

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1054 of 2025

In
Civil Writ Jurisdiction Case No.11716 of 2025

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1. Dr. Rajendra Prasad Central Agricultural University, Pusa P.S.- Pusa, District- Samastipur through its Registrar.
 2. The Registrar, Dr. Rajendra Prasad Central Agricultural University, Pusa, P.S.- Pusa, District- Samastipur, Bihar.
 3. The Vice-Chancellor, Dr. Rajendra Prasad Central Agricultural University, Pusa, P.S.- Pusa, District- Samastipur, Bihar.
 4. Dr. Punyavrat Suvimalendu Pandey, Name of father not known to the petitioner, presently functioning as Vice Chancellor, Dr. Rajendra Prasad Central Agricultural University, Pusa, P.S.- Pusa, District- Samastipur, Bihar.
 5. The Deputy Registrar (Estt.), Dr. Rajendra Prasad Central Agricultural University, Pusa, P.S.- Pusa, District Samastipur, Bihar.
 6. The Dean, College of Basic Science and Humanities, Dr. Rajendra Prasad Central Agricultural University, Pusa, P.S.- Pusa, District- Samastipur, Bihar.

... .. Appellant/s

Versus

Dr. Geeta Kumari Wife of Sri Abhay Kumar Bharti Resident of Quarter No.- 01, PH- 03, Dr. Rajendra Prasad Central Agricultural University Campus, Pusa, P.O. and P.S.- Pusa, District- Samastipur.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Abhinav Shrivastava, Sr. Advocate Mr. Vijay Shankar Upadhyay, Advocate
For the Respondent/s	:	Mr. Vaibhava Veer Shanker, Advocate

CORAM: HONOURABLE THE ACTING CHIEF JUSTICE
and

HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
C.A.V JUDGMENT

(Per: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA)

Date : 08-09-2026

Heard Mr. Abhinav Shrivastava, learned senior counsel for the appellants and Mr. Vaibhava Veer Shanker, learned counsel for the respondent.

2. The present appeal is directed against the order



dated 11.09.2025 passed in C.W.J.C No. 11716 of 2025 wherein the learned Single Judge while holding that Vice-Chancellor of the University is not a competent authority under the Dr. Rajendra Prasad Central Agricultural University Act, 2016 (hereinafter referred to as 'the Act, 2016') had been pleased to set aside the impugned order of transfer as contained in office order No. 76 dated 18.05.2025 as well as the relieving order dated 28.05.2025 with a direction to the respondent/appellants authorities to restore and accept the joining of the writ petitioner on the earlier post of Assistant Professor, Department of Microbiology, Dr. Rajendra Prasad Central Agricultural University, Pusa, forthwith (hereinafter referred to as 'University').

3. Learned counsel for the appellants submits that the respondent/petitioner was initially appointed as Junior Scientist-cum Assistant Professor, Microbiology in the University vide order dated 06.11.2007. Vide Office Order No. 88 dated 09.10.2014, the respondent/petitioner was transferred and posted against the vacant sanctioned post of Junior Scientist-cum Assistant Professor under the All India Network Project and Bio-fertilizers in the Department of Microbiology. While the respondent/petitioner was discharging duties on the post of



Assistant Professor in the Department of Microbiology, Faculty of Basic Science and Humanities in the University, Deputy Registrar (Establishment) of the University issued the Office Order No. 76 dated 18.05.2025 (impugned order) under the approval of the competent authority whereby the respondent/petitioner was transferred and posted at Banana Research Centre, Goraul, Vaishali.

4. Learned counsel for the appellants submits that in terms of the provisions contained under Section 12 (2) of the Act, 2016, the Vice-Chancellor of the University has been held to be the principal executive and academic officer of the University and conferred upon with the powers of exercising general supervision and control over the affairs of the University and give effect to the decisions of all the authorities of the University. He further submits that in view of the fact that there was no other provision under the said Act or the statute framed thereunder during the relevant time dealing with the matters of transfer of teachers and employees of the University, in terms of the provisions contained under Section 12(2) of the Act, 2016, the office order dated 18.05.2025 was issued by which the respondent/petitioner was transferred to Banana Research Centre, Goraul, Vaishali and the same did not suffer from any



infirmity in the eye of law. The respondent/petitioner was relieved from the Department of Microbiology, College of Basic Science and Humanities under the University at Samastipur following which she also submitted her joining at Banana Research Centre, Goraul, Vaishali on 29.05.2025. He further submits that the aforesaid order of transfer dated 18.05.2025 is not punitive in nature and the same was issued by the order of the Vice-Chancellor of the University in his capacity as a principal executive and academic officer while exercising powers of general supervision and control over the affairs of the University in the interest of the University and for smooth functioning of Banana Research Centre, Goraul, Vaishali. The transfer of the respondent/petitioner has not resulted in any detriment to the respondent/petitioner and all her entitlement in terms of salary and her conditions of service have remained intact and the said transfer cannot be held to be bad in law.

5. Reliance has been placed by learned counsel for the appellants on Section 12(2) of the Act, 2016, which is reproduced hereinbelow :-

“12. (2) The Vice-Chancellor shall be the principal executive and academic officer of the University and shall exercise general supervision and control over the affairs of the University and give effect to the decisions of all the authorities of



the University.”

6. Learned counsel for the appellants submits that under the similar circumstances in C.W.J.C No. 18762 of 2024 passed by this Hon'ble Court with respect to the employee of the same University, the learned Single Judge has been pleased to decline to interfere with the said order of transfer and dispose of the writ petition while taking note of the Section 12(3) of the Act, 2016. According to the said Section 12(3) of the Act, 2016, person aggrieved by the action taken by the Vice-Chancellor of the University in exercise of power conferred upon Section 12(2) of the Act, 2016, shall have the right to appeal against such action of the Vice-Chancellor before the Board within a period of three months from the date on which the decision of such action is communicated to him and thereupon the Board may consider, modify or reverse the action taken by the Vice-Chancellor. In the present case, the order of transfer of the respondent/petitioner was also issued by the order of the Vice-Chancellor of the University, and she could have availed the statutory remedy for preferring an appeal before the Board under Section 12(3) of the Act.

7. Learned counsel for the appellants submits that by notification dated 20.12.2025, published in the Gazette of India



by the concerned authorities under the Dr. Rajendra Prasad Central Agricultural University, Pusa Samastipur, inter alia, the Vice-Chancellor of the University has been conferred with the power to transfer all types of employees from one place to another within the jurisdiction of the University in the overall interest of the University. The same amendment had been introduced to cure the obscurity and ambiguity prevalent under Section 12(3) of the Act.

8. In view of the aforesaid, order dated 18.05.2025 passed by the order of the Vice-Chancellor of the University did not suffer from any infirmity, and furthermore, if at all the writ petitioner/respondent was aggrieved by the same, she could have availed the remedy of appeal under Section 12(3) of the Act. In view of the same, the impugned order dated 11.09.2025 passed in C.W.J.C No. 11716 of 2025 is not tenable in the eye of law.

9. Learned counsel for the respondent submits that the core issue in the present appeal is whether the Vice-Chancellor is competent to transfer the petitioner/respondent or not. In this context, learned counsel for the respondent submits that Section 12(2) and 12(3) of the Act conferred no general power of transfer. Section 12(3) permits exercise of the powers of the



Board of Management only in urgent/immediate situations, subject to the statutory requirements of reporting such exercise of the Board. The University neither pleaded nor disclosed any urgency warranting the transfer dated 18.05.2025, nor was the said transfer reported to the Board of Management in its subsequent meetings. The University did not contend before the learned Single Judge that the Vice-Chancellor had exercised the powers of the Board under Section 12(3), such a plea cannot be introduced for the first time in the *intra* court appeal. Further, Clause 12(4)(xv) of Statutes of University permits delegation of the Board's powers, but no instrument of delegation was ever produced. He further submits that the appellants pleaded case was one of "long standing precedents and established practice", but practice cannot create jurisdiction.

10. Learned counsel for the respondent submits that as per the Gazette Notification dated 20.12.2025 signed by the Vice-Chancellor himself and assented to by the Hon'ble Visitor, clause 3(7) was inserted in the Statutes of the University conferring on the Vice-Chancellor the power to transfer employees. Had such power already been existing under Sections 12(2)/(3) from before, there was no need of amendment and to add clause (7) in Section 3 of the Statutes.



Learned counsel further submits that the amendment is expressly prospective and states that it "shall take effect from the date of issue of this notification". He further submits that a power conferred in December 2025 cannot validate an order dated 18.05.2025. He further submits that the post of Assistant Professor, Microbiology does not exist at BRC, Goraul, and the learned Writ Court had passed the order after going through all the pros and cons of the present case.

11. We have heard learned counsel for the parties and perused the materials available on record. It transpires that under Section 12(4)(xv) of Statutes, the Board is empowered to delegate any of its powers to the Vice-Chancellor, Dean, Director, Registrar or Controller or such other employees or authorities of the University, or to a committee of appointment as it may deem fit. But in the present case, Board has not empowered the Vice-Chancellor the power to transfer employees. Apart from the aforesaid, by notification dated 20.12.2025 signed by the Vice-Chancellor himself and assented to by the Hon'ble Visitor, for the first time Section 3(7) was inserted in the Statute conferring upon the Vice-Chancellor the power to transfer employees and the Vice-Chancellor had transferred the respondent/petitioner by order dated 18.05.2025.



A power which was conferred to the Vice-Chancellor by notification dated 20.12.2025 cannot validate an order passed by the Vice-Chancellor on 18.05.2025.

12. In view of the aforesaid, this Court finds no infirmity or irregularity in the impugned order dated 11.09.2025 passed in C.W.J.C No. 11716 of 2025.

13. Accordingly, we find no merit in the present letters patent appeal and the same stands dismissed.

14. Pending application(s), if any, shall also stands disposed of.

(Sudhir Singh, ACJ)

I agree

(Rajesh Kumar Verma, J)

Vanisha/-

AFR/NAFR	NAFR
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