



2026:AHC-LKO:36445-DB

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

WRIT - A No. - 2999 of 2026

Dr. Gyanendra Pratap Singh

.....Petitioner(s)

Versus

State Of U.P.Thru.Its Prin.Secy. Deptt. Of
Agricultural Education And Research Lko. And 2
Others

.....Respondent(s)

Counsel for Petitioner(s) : Avinash Singh, Abhinav Nath Tripathi
Counsel for Respondent(s) : C.S.C., Ashok Kumar Srivastava, Dr.
Pooja Singh, Prashant Kumar Singh,
Satyanshu Ojha, Sridhar Awasthi

Court No. - 5

**HON'BLE ALOK MATHUR, J.
HON'BLE AMITABH KUMAR RAI, J.**

1. Heard Sri Amrendra Nath Tripathi, learned Senior Counsel assisted by Mr. Sanjeet Kumar Mishra and Mr. Avinash Singh, Sri Kuldeep Pati Tripathi, Additional Advocate General for respondent No. 1, Sri Sudeep Seth, learned Senior Counsel assisted by Sri Sridhar Awasthi, learned counsel for respondent No. 2, Sri Satyanshu Ojha, learned counsel for the respondent No. 3 and Sri Ashok Kumar Srivastava, learned counsel for the respondent No. 4.

2. It has been submitted by learned counsel for petitioner that petitioner is renowned scientist of international repute, a Vigyan Shri Conferred by the Hon'ble President of India in 2025 and stand a Director of two premier Indian Council of Agricultural Research Institutes, namely ICAR National Bureau of Plant Genetic Resources, New Delhi and ICAR – Indian Institute of Wheat & Barley Research, Karnal, and currently serving as Principal Scientist at the ICAR-Indian Agricultural Research Institute, New Delhi.

3. The petitioner had applied for the post of Vice-Chancellor, Acharya Narendra Deva University of Agriculture and Technology, Kumarganj, Ayodhya. The advertisement was issued on 26.08.2025 and the petitioner has submitted his application on 01.09.2025 and further his name was short-listed for selection on the said post and was also called for interview by the Search and Selection Committee on 10.02.2026. Subsequent to the interview his name was duly recommended in the panel of three persons for appointment on the post of Vice-Chancellor, Acharya Narendra Deva

University of Agriculture and Technology, Kumarganj, Ayodhya. Subsequently, he was selected and an appointment letter was issued to him on 10.02.2026 which was communicated to the petitioner on 18.02.2026 by a registered post. Apart from the aforesaid communication, the concerned Secretary had also intimated the petitioner about his appointment and the petitioner in turn had given his in principle acceptance through WhatsApp.

4. The dispute in the present case has arisen on account of the fact that the petitioner did not join the said post despite a direction issued by the respondents on 25.02.2026 wherein he was directed to take charge of the post of Vice-Chancellor, Acharya Narendra Deva University of Agriculture and Technology, Kumarganj, Ayodhya by 1st March, 2026, failing which his appointment would be cancelled.

5. It has been submitted by learned counsel for petitioner that on receipt of the appointment letter, he has sought relieving from his deputation post of Director, ICAR-National Bureau of Plant Genetic Resources(NBPGR) and in pursuance of the application of the petitioner, an order for his relieving was passed on 18.02.2026 directing him to report to his parent cadre and join on the post of Principal Scientist, ICAR-Indian Agricultural Research Institute, New Delhi.

6. The petitioner after complying his all the formalities, joined his parent department on 02.03.2026 and immediately after joining, he moved an appropriate application to his parent department for being relieving so that he could join on the post of Vice-Chancellor, Acharya Narendra Deva University of Agriculture and Technology, Kumarganj, Ayodhya.. It has further been stated that on receipt of the letter of appointment, the petitioner had moved an application for granting time for joining on the post of Vice-Chancellor, Acharya Narendra Deva University of Agriculture and Technology, Kumarganj, Ayodhya on 19.02.2026 written to the Additional Chief Secretary and OSD to the Hon'ble Governor, Lucknow.

7. In the said letter, he had clearly indicated that he had already intimated the Indian Council for Agriculture Research , Ministry of Agriculture, Government of India for getting relieved from the post of Director, NBPGR so that he could join as Vice-Chancellor, Acharya Narendra Deva University of Agriculture and Technology, Kumarganj, Ayodhya. He had further intimated that he would be superannuating on 31st March, 2026 and further stated that in the aforesaid circumstances, some further time may be consumed for being relieved and prayed that he may be granted extended joining period.

8. It is only after the letter dated 19.02.2026 was received by the

respondents, they had proceeded to pass the impugned order dated 25.02.2026. Even thereafter, the petitioner wrote a letter on 26.02.2026 to the Additional Chief Secretary and OSD to the Hon'ble Governor intimating them of the fact that he would be superannuating on 31.03.2026 and even if he applies for the voluntary retirement, some time will be consumed and again prayed for extending the joining period till 31.03.2026.

9. It is in the aforesaid circumstances that by means of the impugned order dated 03.03.2026, the appointment of the petitioner was cancelled. It is in the aforesaid circumstances, the present writ petition has been filed by the petitioner assailing the validity of the order dated 03.03.2026 as well as the order dated 25.02.2026.

10. It is the contention of the petitioner, firstly that in the order of appointment dated 10.02.2026, there is no prescription of the time period by which the petitioner was to join on the post of Vice-Chancellor, Acharya Narendra Deva University of Agriculture and Technology, Kumarganj, Ayodhya. He further submits that the respondents were fully aware about the previous posting of the petitioner and the need for him to get relieved from his posting before he could offer his services and join as the Vice-Chancellor, Acharya Narendra Deva University of Agriculture and Technology, Kumarganj, Ayodhya was well within the knowledge of the respondents. Accordingly, it has been contended that in such a situation, reasonable period is always granted to the selected candidates to get themselves relieved from the previous place of posting and offer their services to join as per the subsequent appointment letter.

11. The question which squarely falls for consideration before this Court is as to whether one and half months period sought by the petitioner was a reasonable period of time sought by him for joining on the post of Vice-Chancellor, Acharya Narendra Deva University of Agriculture and Technology, Kumarganj, Ayodhya or that the respondents in the peculiar circumstances of the case had correctly canceled his selection and appointment letter.

12. The backdrop of the aforesaid facts, it is noticed that appointment letter of the petitioner was issued on 10.02.2026 which was received by him on 18.02.2026. He had written a letters dated 19.02.2026 and 26.02.2026 seeking further time to join. In both the letters, we find that there is a mention that petitioner would be superannuating from services on 31.03.2026.

13. In any view of the matter, there are obstacles with regard to being relieved from his parent place of posting would no longer exists, the moment the petitioner is superannuated from his previous place of posting

inasmuch as the superannuation severs the relationship of a master and a servant leaving it open for the petitioner to join on the selected post of Vice-Chancellor, Acharya Narendra Deva University of Agriculture and Technology, Kumarganj, Ayodhya. We further find that the respondents themselves in the case of Dr. Abhijeet Mitra who was appointed as the Vice-Chancellor of Uttar Pradesh Pt. Din Dayal Upadhyaya Pashu Chikitsay Vigyan Vishvyavidhyalay Evam Gou Anushandhan Sansthan, Mathura was appointed by means of letter on 11.05.2025 and in fact joined on 04.09.2025 after a period of nearly 4 months.

14. It has been therefore contended that it is a routine matter with regard to grant of reasonable time to the selected candidate to join on the new post. It has further been contended that the incumbent on the post of Vice-Chancellor, Acharya Narendra Deva University of Agriculture and Technology, Kumarganj, Ayodhya, namely, Dr. Vijendra Singh who had completed his tenure was given extension for a period of 6 months by means of order dated 18.02.2026. In the said letter of extension, a clear reference was made with regard to appointment of the petitioner and it was very well within the knowledge of the respondents that some time would be consumed for the petitioner to take over the post of Vice-Chancellor, Acharya Narendra Deva University of Agriculture and Technology, Kumarganj, Ayodhya and to meet the said contingency, the existing incumbent was asked to continue till joining of the petitioner. This fact clearly establishes that firstly it was very well known to the respondents that sometime would be required for the petitioner to join on the post of Vice-Chancellor, Acharya Narendra Deva University of Agriculture and Technology, Kumarganj, Ayodhya and secondly to meet the said contingency they had taken adequate steps and giving extension to the previous Vice-Chancellor.

15. Sri Sudeep Seth, has vehemently opposed the writ petition. He has submitted that during the pendency of the writ petition, the petitioner himself has submitted an e-mail and a letter to the Chancellor seeking her indulgence to recall the order dated 03.03.2026 and he submits that when the petitioner himself has approached the Chancellor of the universities then he should be relegated to his remedy and the present writ petition should be dismissed on the ground of alternative remedy.

16. Learned counsel for the petitioner on the other hand has submitted that the petitioner in his anxiety has been writing letter against cancellation of his appointment but fairly submits that there is no statutory prescription provided for recall of the order of cancellation of appointment once the same has been passed and the only remedy the petitioner has is under the writ jurisdiction before this Court under Article 226 of Constitution of India.

17. Accordingly, we agree with the contention of the petitioner and accordingly the arguments of the petitioner on ground of the alternative remedy are rejected considering the fact that there is no prescription providing for recall or review of the order of the Chancellor.

18. The second ground raised by Sri Sudeep Seth, is that no definite date was given by the petitioner by which he would be joining on the selected post and therefore in absence of any such material there is no infirmity by the respondents in canceling his appointment.

19. In this regard, it has been submitted by learned counsel for the petitioner that he has clearly that indicate in both of the his letter dated 09.02.2026 as well as 26.02.2026 that he shall join on the post after being relieved from previous place of posting and in any view order of the matter, he would be superannuating on 31.03.2026. Accordingly, we find that in very clearly and unequivocal terms, the petitioner has clearly indicated the time period within which he would be joining on the selected post.

20. In view of the aforesaid, we do not find any ground for accepting the objections raised by learned counsel for the respondents.

21. A perusal of the order dated 18.02.2026 would clearly indicate that the respondents were fully aware that some time may be consumed before the selected candidate (petitioner) would join on the post of Vice-Chancellor, Acharya Narendra Deva University of Agriculture and Technology, Kumarganj, Ayodhya and therefore to maintain continuity in education and for the benefit of the students, the incumbent to the said post was directed to continue for a maximum period of 6 further months or till the new incumbent join on the said post. In the said letter, it was clearly indicated that the petitioner has been appointed as a new Vice-Chancellor and some time is likely to be consumed before he takes over charge. Accordingly, there is no doubt that the respondents were fully aware of the fact that after issuance of the appointment letter, sometime has to be granted to the new candidate to join on the said post and they had taken care of this issue at that time and they had extended the tenure of the existing incumbent.

22. From the aforesaid, this Court is of the considered view that there was no stipulation or date by which the petitioner was directed to join and it is only by letter dated 25.02.2026 that the deadline of 1st March, 2026 was given. It is noticed that no reasons have been given as to how the date of 1st March, 2026 has been given for joining of the petitioner in the backdrop of the fact that he had clearly indicated that he will be superannuating on 31st march, 2026. Further, we find that the appointment letter was received by the petitioner only on 18.02.2026 and we see no reason why

as a deadline was given on 1st March,, 2026 within 15 days of issuance of the appointment letter. Specially considering the fact that the existing incumbent by that time had already been directed to continue till the petitioner join on the said post.

23. We further find that granting time for the appointee to take over the charge of Vice-Chancellor is a routine matter and we take note of the fact that in similar circumstances when Dr. Abhijeet Mitra was appointed as the Vice-Chancellor of Uttar Pradesh Pt. Din Dayal Upadhyya Pashu Chikitsay Vigyan Vishvyavidhyalay Evam Gou Anushandhan Sansthan, Mathura was given four months time then we see no reason as to how one and half month time can be said to be unreasonable so as to the extraordinary power of cancellation of appointment.

24. In the present case, the impugned action is ex facie arbitrary, unreasonable, and violative of Article 14 of the Constitution of India, as elucidated in **E.P. Royappa v State of Tamil Nadu, 1974 (4) SCC 3** and **Maneka Gandhi v Union of India, AIR 1978 SC 597** wherein it has been settled that arbitrariness is antithetical to equality and that every State action must be fair, just, and non-discriminatory. Once the competent authority had granted time to the appointed Vice Chancellor to assume charge owing to his inability to obtain immediate relieving from his previous institution, the appointee acquired a legitimate expectation that the appointment would continue to remain operative during the permitted period, in terms of the principles recognised in **Food Corporation of India v Kamdhenu Cattle Feed Industries, 1993 1 SCC 71** and **Council of Civil Service Unions v Minister for the Civil Service**. The action becomes further arbitrary and discriminatory in view of the admitted fact that the tenure of the incumbent Vice Chancellor was extended for a substantially longer duration and that, in earlier instances, similarly situated Vice Chancellors had been granted joining periods extending up to four months. The respondents, having adopted a consistent past practice, could not deviate therefrom in the present case without any rational basis or cogent justification, failing which the action becomes vitiated by hostile discrimination, non-application of mind, and violation of the settled principles of fairness and administrative consistency.

25. Accordingly, we find that the order dated 25.02.2026 is clearly arbitrary and the date directing him to join by 01st March, 2026 has been unreasonable and arbitrarily fixed. We further find that requesting for one and half months in peculiar circumstances of present case where the petitioner was already working in a Central Government Institution where he had to get himself relieved before he could join at the present place of posting, period of one and half months is certainly not excessive or unreasonable and in the aforesaid facts the respondents themselves could

have considered the request of the petitioner and granted him adequate time for joining on the new place of posting. We further find that the request of the petitioner was not unreasonable inasmuch as in similar circumstances, other persons who had made similar request, were accepted and much longer length of time was given to them for joining on the post of Vice-Chancellor. We are further conscious of the fact that a lengthy and extensive process takes place by the Search Committee and subsequently by finalising the list of 03 persons and such an extensive exercise has been carried out when the petitioner has been finally selected. Such process cannot be brought to the knowledge by the arbitrary action of the respondents by merely denying extension of a reasonable period sought by him.

26. For the aforesaid circumstances, we find that both the impugned orders dated 03.03.2026 and 25.02.2026 are illegal and arbitrary and accordingly quashed and respondents are directed to permit the petitioner to join on the post of Vice-Chancellor, Acharya Narendra Deva University of Agriculture and Technology, Kumarganj, Ayodhya forthwith.

27. Let the petitioner submit a copy of this order to the Chancellor and on receipt of the same necessary orders shall be issued for joining of the petitioner within ten days thereafter.

28. With the aforesaid directions, the writ petition stand **allowed**.

(Amitabh Kumar Rai,J.) (Alok Mathur,J.)

May 20, 2026

Ravi/