

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2225 of 2025

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Md Arshad Ekbal Son of Md. Fazlur Rahman Working as Regional Director,
Maulana Azad National Urdu University (MANNU), Regional Centre, At and
P.S. and District-Darbhanga.

... .. Petitioner/s

Versus

1. The Maulana Azad Natitonal Urdu University through its Registrar At Gachhi Bowli, Hyderabad, Telangana-500032.
2. The Vice Chancellor, Maulana Azad Natitonal Urdu University, Gachhi Bowli, Hyderabad, Telangana-500032
3. The Registrar, Maulana Azad Natitonal Urdu University, Gacchi Bowli, Hyderabad, Telangana-500032.
4. The Assistant Registrar (Establishment and Recruitment), Maulana Azad Natitonal Urdu University, Gacchi Bowli, Hyderabad, Telangana-500032.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Amaresh Kumar Singh, Advocate
		Mr. Dineshwar Prasad Singh, Advocate
For the Respondent/s	:	Mrs. Shama Sinha, Advocate

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
CAV JUDGMENT

Date : 01-09-2025

1. The petitioner has preferred the present writ application for quashing the letter no. 1098 dated 05.11.2024 issued by the respondent no. 4 whereby the petitioner has been informed that the petitioner would superannuate on 28.02.2025 on attaining the age of superannuation of sixty years. Further it has been informed that recovery of excess payment on revision of pay on conversion from “Other Academic Staff” to “Non Teaching” staff is also pending and the petitioner was requested to submit APARs of previous five years for taking necessary action to



award financial upgradation under MACP before retirement.

2. The petitioner basically has challenged his age of superannuation in the present writ application on the ground that the post on which the petitioner was working i.e. Regional Director is a teaching post but the respondents authority has treated the post as Non Teaching and made the petitioner to retire at the age of sixty years which is the retirement age of Non Teaching employees whereas retirement age of teaching employees is 65 years.

3. The brief facts giving rise to the present writ application is that Maulana Azad National Urdu University (hereinafter referred to as “MANUU”) is a Central University established under the Act of Parliament in 1998. The University is fully funded by the Government of India through University Grants Commission (for short U.G.C.). It offers education through both regular and distance modes and operates Regional Centres across the country. The Executive Council is the Apex governing body of the University. The U.G.C. considering the nature of work / functions of the Regional Director (RD) and Assistant Regional Director (ARD) has approved the posts of Regional Director and Assistant Regional Director. The University issued employment notification no. 17 / 2006 dated



30.07.2006 for appointment of Regional Director in the pay scale of Rs. 12,000 - 18,300/- in the category of Academic Administrator (Non - Teaching) as would be evident from Annexure – R/2 of the counter affidavit filed by MANUU as well as Annexure: P / 2 of the writ application.

4. The petitioner applied for the post of Regional Director under the category of Academic Administrator having qualification of Ph.D, NET, JRF in Urdu from JNU, M.A. & M. Phil from JNU with teaching experience.

5. The petitioner was appointed on the post of Regional Director (Academic Administrator), Regional Centre , Mumbai in the pay scale of Rs. 12,000- 18,300/- with two increments protecting his present basic pay plus usual allowance as admissible. The appointment letter further stipulates that he would be governed by rules and regulations of MANUU for Non Teaching employees. The petitioner joined his service at Regional Centre, Mumbai. The petitioner accepted the offer of appointment and submitted a letter dated 08.12.2006 to the Registrar of MANUU that he would report to Regional Centre, Mumbai Office as directed with required documents on 13.12.2006 . The copy of letter is annexure – R/3 to the counter affidavit. The petitioner retired from the post of Regional



Director, Regional Centre, Darbhanga as per the impugned letter on 28.02.2025.

6. Learned counsel for the petitioner submits that the University earlier issued notification no. 14 / 2005 dated 06.08.2005 considering the post of Regional Director as teaching post but notification no. 17 / 2006 dated 30.07.2006 under which the petitioner was appointed, the respondents have advertised the said post as Non -Teaching. However the Executive Council of the University held meeting on 23.11.2006 and it is clear from agenda no. 50 of the meeting that it was meant to fill up the teaching posts. Minutes of the meeting dated 23.11.2006 at item no. 50 shows that agenda was for filling up of teaching positions including the post of Regional Director. The Executive Council approved the recommendation of the Selection Committee including the selection post of Regional Director and the name of the petitioner was placed at serial no. 2 of the wait list. The petitioner was appointed as Regional Director at Regional Centre, Mumbai vide appointment letter no. 76 dated 05.12.2006 and he submitted his joining however some wordings in the letter of appointment was against the decision of the Executive Council and the post of Regional Director was classified as non teaching. He further submits that



different Regional Directors and Assistant Regional Directors have been treated as teaching employees and they have been allowed to superannuate on attaining the age of sixty five years which will be evident from Annexure – P/5 series of the writ application. The Assistant Regional Director and Regional Director has been treated like a teaching post for upgradation and as such they are given financial upgradation under Career Advancement Scheme and not like MACP for Non Teaching employees. He further submits that respondents have used the word ‘Academic Administrator’ inconsistently and arbitrarily for the petitioner’s appointment letter mentioning Academic Administrator (Non - Teaching Employee) whereas for similarly situated persons appointed by the same Selection Committee and same Executive Council meeting held on 23.11.2006 namely, Dr. Hasanuddin Haider, Mr. Aftab Alam Baig, Mrs. Ruchika Kem , Dr. Sheikh Abul Barkat the orders described them as Academic Administrator (teaching employee). This demonstrates arbitrariness on the part of the respondents.

7. The impugned order has been passed without notice, opportunity of hearing or show cause to the petitioner which is violative of the principle of natural justice. The post of Regional Directors / Assistant Regional Directors have been sanctioned



by U.G.C. in teaching grade and similarly situated employees have consistently been treated as teaching staff and superannuated at the age of sixty five years.

8. On the other hand, learned counsel for the respondent / University argued that initially considering the operational nature, the U.G.C. sanctioned the posts of Regional Directors and Assistant Regional Directors under teaching category in Readers / Lecturers Grade vide sanction order dated 25.04.2001. However the University vide its letter no. 16.03.2005 informed to U.G.C. that the functions of Regional Directors / Assistant Regional Directors were administrative in nature without class room teaching responsibilities and proposed their re-classification as Non Teaching / Educational Administrator. Acting upon the University's proposal the University vide its letter dt: 30.03.2005 [annexure – R/1 to the counter affidavit] approved the change in nomenclature from “Teaching” to “Non-Teaching” and recognized Regional Directors / Assistant Regional Directors as “Educational Administrators” (non teaching). Subsequently, thereafter, the University issued employment notification no. 17 / 2006 dated 30.07.2006 advertising one post of Regional Director under the “Non Teaching” category. The said notification annexed as Annexure



– R/2 to the counter affidavit clearly specifies the post as Non Teaching.

9. The appointment letter dated 05.12.2006 of the petitioner categorically says that the post shall be Non -Teaching post and the services of the petitioner would be governed by Maulana Azad National Urdu University Non- Teaching Employees Service Rules. The petitioner accepted the appointment without any protest / demur through his letter dated 08.12.2006 and joined his duty on 13.12.2006 at Regional Centre Mumbai. Some Regional Directors / Assistant Regional Directors including the petitioner appointed under Non -Teaching category raised their grievances regarding parity in pay, Career Advancement Scheme and retirement age due to bifurcation in appointment categories as some under ‘teaching’ and some under ‘non -teaching’. Acting upon the same the Executive Council in its forty fourth meeting held on 04.05.2013 constituted a Committee under the Pro Vice Chancellor with an external expert from IGNOU. The Committee recommended that the Regional Directors / Assistant Regional Directors possessing prescribed teaching qualifications could be treated as “Other Academic Staff” with U.G.C. prescribed benefits including retirement at 62 years



prospectively from the date of University's order.

10. The recommendations of the Committee were placed before the 52nd meeting of Executive Council dt- 25.04.2015 and the Executive Council adopted the recommendations declaring non teaching Regional Directors/ Assistant Regional Directors including the petitioner as the "Other Academic Staff" at par with IGNOU counterparts prospectively from 05.05.2015 and re-fixed the pay scales accordingly. However during performance audit in July 2018 the audit party objected to the grant of teaching scales to non - teaching employees without explicit UGC approval, therefore, the University withdrew the "Other Academic Staff" status of the petitioner and others from 22.11.2021 and issued an order dated 26.11.2021 pertaining to the petitioner stating that consequent upon clarification received from the U.G.C. as communicated vide University Orders 2nd cited, the pay of Dr. Md. Arshad Ekbal (petitioner), Regional Director, Regional Centre, Darbhanga is re-fixed and regulated as Regional Director under Non -Teaching category with effect from 05.05.2015 [annexure R-8 to the counter affidavit]. The petitioner has not challenged the letter dated 26.11.2021 and / or his letter of appointment at any point of time.



11. She further submits that the nature of the posts of Regional Directors / Assistant Regional Directors were formally re-classified as Non Teaching (Academic Administrator category) pursuant to the approval of the U.G.C. conveyed on 30.03.2005 and this communication was also not challenged by the petitioner at any point of time.

12. The petitioner having been appointed after the said re-classification and pursuant to the employment notification no. 17 / 2006 explicitly describing the post under Non Teaching category was fully aware of the nature and classification of his appointment. As per the terms and conditions of petitioner's appointment in the University he was governed by the service conditions applicable to non - teaching staff of the University and by extension the rules applicable to Central Government employees. The Government of India through the Department of Personnel and Training [DoPT] vide Memo No. 25012 / 8 / 98-Estt. (A) dt: 30.05.1998 has prescribed the age of superannuation of central government employees including those serving in autonomous bodies at sixty years. Consequently the petitioner cannot claim the benefit of retirement age of sixty five years which is exclusively provided to teaching staff under U.G.C. regulation.



13. The contention of the respondents that similarly situated persons like Dr. Shahid Parvez (Regional Director), Dr. Sanaullah (Assistant Regional Director) and Dr. Sahab Singh (Assistant Regional Director) were allowed to superannuate at the age of sixty five years is wholly misleading and amounts to suppression of facts inasmuch as it has been clarified that initially U.G.C. had sanctioned the posts of Regional Directors / Assistant Regional Directors under teaching category and subsequently the same was changed as Non Teaching category vide decision of UGC dt: 30.03.2005. The above mentioned incumbents were appointed prior to 30.03.2005 therefore they were legitimately entitled to the benefits available to teaching employees including the age of superannuation at sixty five years.

14. She further argued that contention of the petitioner regarding pay scale of Rs. 12,000-18,300/- being Reader's Scale is also not tenable inasmuch as under the Fifth Central Pay Commission the pay scale of Regional Director and Reader were identical and therefore the University notified this post in the said scheme.

15. Reliance of the petitioner on Annexure – P/10 dt: 22.11.2006 (rejoinder) is misplaced as this documents is the



seniority list of teaching and academic staff and no where it is mentioned that Regional Directors / Assistant Regional Directors were under teaching cadre. The allegation of discrimination with respect to other appointees such as Dr. Hasanuddin Haider, Mr. Aftab Alam Baig, Mrs. Ruchika Kem and Dr. Sheikh Abul Barkat is misconceived . All these officers including the petitioner were covered under non teaching [Academic Administrator category] and Dr. Hasanuddin Haider superannuated at the age of sixty years. Further confirming that Regional Directors were treated as non teaching [annexure R/12 reply to the rejoinder filed by the University].

16. It has further been submitted that the appointment of Dr. S.E.H. Imam Azam , Dr. Mohd. Ahsan, Dr. Imran Ahmad, Dr. Mohd. Umar F. Azam and Md. Sadat Khan were made against notification issued before the U.G.C. clarification dated 30.03.2005. Consequently they were treated as teaching cadre employees however all appointments made after 30.03.2005 including that of the petitioner were treated under non teaching cadre. This position was reiterated by U.G.C. letter dt: 17.08.2021 (Annexure R/10 to the counter affidavit) stating that all incumbents already appointed under the teaching category may continue till their superannuation and all



“subsequent appointments must be treated as non teaching”.

17. I have heard learned counsel for the parties and have gone through the material available on record including the relevant annexures. Earlier the post of Regional Directors / Assistant Regional Directors were categorized as teaching but U.G.C. took a decision dated 30.03.2005 and communicated to the University that in the light of activities / functions of the Regional Centres of the University and considering the nature of work of Regional Directors and Assistant Regional Directors the nomenclature of these posts may be changed to non teaching positions and they may be treated as Education Administrator.

18. The employment notification no. 17 / 2006 was issued on 30.07.2006 for appointment on the post of Regional Director, Assistant Regional Director and Assistant Director specifically classifying these posts as Non - Teaching (Academic Administrator). The petitioner applied pursuant to the employment notification no. 17 / 2006 dt- 30.07.2006 and was placed in the waiting list at serial no. 2. However due to non joining of the other candidates he was offered appointment and appointment letter dt: 05.12.2006 was issued in favour of the petitioner for appointment on the post of Regional Director. The appointment letter of the petitioner categorically specified that



the petitioner shall be governed by the rules and regulations of Maulana Azad National Urdu University for “Non Teaching” employees including the service contract and orders issued by the U.G.C. / University / Govt. of India from time to time.

19. The petitioner accepted the offer of appointment and submitted his joining as a Regional Director at Regional Centre, Mumbai vide letter no. 08.12.2006 without any protest / demur. The U.G.C. letter dated 30.03.2005, the employment notification no. 17 / 2006 dt: 30.07.2006 and the appointment letter of the petitioner dated 05.12.2006 leave no ambiguity that petitioner was appointed on a non teaching post. The petitioner was fully aware of his service conditions and the rules governing his post which has been classified as Non Teaching post. The discriminatory treatment as alleged by the petitioner with other similarly situated employee has adequately been countered by the respondents by saying that this is wholly misleading inasmuch as earlier the U.G.C. had sanctioned the post of Regional Directors and Assistant Regional Directors under teaching category and the above mentioned individuals were appointed under teaching category prior to letter dated 30.03.2005 of the U.G.C. The U.G.C. has clarified this position further vide its letter dated 17.08.2021. The allegation of the



petitioner of discrimination with respect to other appointees as mentioned in paragraph no. 4 of the rejoinder has been replied by the respondents confirming that Dr. Hasanuddin Haider superannuated at the age of sixty and was appointed as a non teaching employee. Similarly all other names were treated as non teaching category and in support of the same Annexure: R/12 has been annexed in the supplementary counter affidavit.

20. Considering the conspectus of facts as discussed hereinabove and the fact that the petitioner applied for appointment in response to advertisement for appointment as Regional Director (Non-Teaching), accepted the offer of appointment on Non Teaching post without protest and accepted terms and conditions of appointment meant for Non Teaching employees now he cannot be allowed at this stage nearing retirement to challenge the conditions of service under which he has served for almost about two decades. The petitioner has rightly been allowed to superannuate after attaining the age of sixty years on 28.02.2025. As such, I do not find any merit in the writ application insofar as the age of superannuation of the petitioner is concerned. Accordingly the same is rejected.

21. With regard to recovery of excess amount paid to the petitioner as evident from the impugned order, it appears that



recovery of excess payment on revision of pay on conversion from “Other Academic Staff” to “Non -Teaching” staff is pending and the petitioner was required to submit APARs of previous five years for financial upgradation under MACP, as such, this Court refrains itself from giving any finding on this aspect and keep the matter open with liberty to the petitioner to file representation before the respondents authority on the point of recovery.

22. With the aforesaid observation and direction this writ application is disposed.

(Anil Kumar Sinha, J)

praful/-AFR

AFR/NAFR	AFR
CAV DATE	24-07-2025
Uploading Date	01-09-2025
Transmission Date	NA

