



**IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION**

**CIVIL APPEAL NO. \_\_\_\_\_ OF 2026  
(@ SLP (C) NO. 16265 OF 2024)**

**VICE CHANCELLOR,  
RAJIV GANDHI NATIONAL  
AVIATION UNIVERSITY**

**... APPELLANT(S)**

**VERSUS**

**JITENDRA SINGH & ORS.**

**... RESPONDENT(S)**

**WITH**

**CIVIL APPEAL NO. \_\_\_\_\_ OF 2026  
(@ SLP (CIVIL) NO. \_\_\_\_\_ OF 2026)  
(DIARY NO. 38863 OF 2024)**

**J U D G M E N T**

**ALOK ARADHE, J.**

1. Leave granted.
2. These appeals assail the order dated 22.05.2024 passed by the Division Bench of the High Court of Judicature at Allahabad, Lucknow Bench (“the High Court”), whereby the appeal preferred by respondent No.1 (hereinafter referred to as “the First Registrar”) was allowed and the order dated 25.04.2023, passed by the learned Single Judge, as well as the order dated 27.04.2022 passed by the Deputy Secretary, Ministry of Civil Aviation, Government of India, were set aside.

## **FACTS**

3. The relevant facts giving rise to the filing of the present appeals are set out hereinbelow.
4. The Rajiv Gandhi National Aviation University Act, 2013 (“the Act”), was enacted to establish and incorporate a National Aviation University for facilitating and promoting aviation studies and achieving excellence in the fields of aviation management, policy, science and technology, *inter alia*. Pursuant thereto, the Rajiv Gandhi National Aviation University (“the University”) was established under the provisions of the Act.
5. In exercise of the powers under Section 27(1) of the Act, the Central Government on 07.03.2016, framed the Rajiv Gandhi National Aviation University, First Statute, 2016 (“the Statutes”). The President of India, being the Visitor of the University, on 28.02.2019, conveyed approval for the appointment of the First Registrar. Thereafter, on 01.03.2019, the Vice Chancellor issued an offer of appointment to the First Registrar, appointing him on probation for a period of one year. On 08.04.2019, the First Registrar assumed charge as Registrar of the University.

- 6.** During the period of probation, the services of the First Registrar were terminated by order dated 08/09.01.2020 and he was paid one month's salary in lieu of notice. The First Registrar thereafter instituted two writ petitions challenging the order of termination, as well as the advertisement issued for filling up the post of Registrar. The aforesaid writ petitions were withdrawn on 13.01.2021 with liberty to file fresh petitions.
- 7.** Thereafter, the First Registrar filed a writ petition on 22.01.2021 seeking quashing of the order of termination dated 08/09.01.2020 and the advertisement dated 04.05.2020 issued for filling up the post of Registrar. The learned Single Judge by an order dated 17.09.2021, directed the appellants to reinstate the First Registrar to the post of Registrar of the University with all consequential benefits, in terms of the appointment letter dated 01.03.2019. Accordingly, the writ petition was allowed.
- 8.** The appellants challenged the aforesaid order before the Division Bench. By an order dated 17.12.2021, the Division Bench, *inter alia*, held that the order terminating the services of the First Registrar during probation was *ex facie* stigmatic and the matter was remitted to the University to proceed afresh in accordance with law and to pass an appropriate order within a period of two

months. It was further directed that the entitlement of the First Registrar to back wages would abide by the outcome of the further action to be taken by the University. The order dated 17.09.2021, passed by the learned Single Judge, was modified to the aforesaid extent and the appeal was partly allowed.

- 9.** The First Registrar challenged the order dated 17.12.2021 before this Court, by filing a Special Leave Petition, which came to be dismissed on 04.02.2022, with liberty to the First Registrar to raise all pleas and contentions before the competent authority by way of representation.
- 10.** On 31.12.2021, the First Registrar was reinstated in service. On the very same day, he was placed under suspension in contemplation of disciplinary proceedings. Subsequently, on 22.02.2022, a Memorandum of Charges was served upon him.
- 11.** An Enquiry Committee comprising three members was constituted on 25.02.2022, which submitted its Report on 23.03.2022. In the enquiry report, the charges pertaining to indiscipline, gross insubordination, unprofessional conduct and obstruction of public servants in discharge of official duties were held to be proved. On 29.03.2022, the enquiry report was forwarded to the Secretary of Ministry of Civil Aviation (“MOCA”),

who in turn submitted the proposal for approval of the Visitor, who accorded the approval to the same on 20.04.2022. Thereafter, by communication dated 27.04.2022, the Deputy Secretary, MOCA conveyed the order terminating the services of the First Registrar.

**12.** The First Registrar challenged the aforesaid order of termination before the High Court by filing a writ petition. During the pendency of the said writ petition, an advertisement was issued for filling up the post of Registrar of the University. Consequently, the First Registrar instituted another writ petition seeking quashing of the fresh advertisement.

**13.** The learned Single Judge, by an order dated 25.04.2023, *inter alia*, held that the services of the First Registrar had never been extended beyond the initial period of probation of one year and, therefore, he was only entitled to one month's notice prior to termination. Accordingly, the writ petition was disposed of with a direction to the appellants to pay one month's salary to the First Registrar.

**14.** Aggrieved thereby, the First Registrar preferred an intra-court appeal. The Division Bench of the High Court, by the impugned order dated 22.05.2024, observed that the entire action against

the First Registrar had been undertaken by the officers of MOCA, which had no role to play under the Act or the Statutes. It was held that the Visitor had no role in disciplinary proceedings concerning officers and employees of the University. Consequently, the Division Bench held that the entire action taken against the First Registrar was without jurisdiction. Accordingly, the order dated 25.04.2023 passed by the learned Single Judge, as well as the order dated 27.04.2022 issued by the Deputy Secretary, MOCA, were quashed. The First Registrar was also held entitled to back wages/salary up to 07.04.2022 and the appeal was allowed. Being aggrieved, the University as well as the Union of India have preferred these appeals.

### **SUBMISSIONS**

- 15.** Learned senior counsel appearing for the University, submitted that the High Court erred in holding that while the appointment of the First Registrar was made by the University, the disciplinary action could not be undertaken by the Visitor. It was contended that the First Registrar was admittedly the “First Registrar” of the University and, therefore, his appointment was governed by the transitional provisions contained in Section 46 of the Act. It was further submitted that the Hon’ble President of

India, being the Visitor of the University, had conveyed approval for the appointment of the First Registrar and, therefore, disciplinary action was rightly taken with the approval of the Visitor.

**16.** It was urged that Clause 7 of the Statutes applies only to regular appointments made by the University and not to the appointment of the First Registrar. It is submitted that the High Court failed to take note of Section 46 of the Act and erroneously concluded that the Visitor lacked jurisdiction to take action against the First Registrar.

**17.** It was contended that, pursuant to the liberty granted by the Division Bench of the High Court, which was upheld by this Court, the earlier order of termination had been revisited and a fresh order had thereafter been passed in accordance with law. It was argued that the High Court erred in granting back wages to the First Registrar in the absence of any specific challenge to the order denying the same. It was, therefore, submitted that the impugned order deserved to be set aside.

**18.** Learned Additional Solicitor General appearing for the Union of India, while adopting the submissions advanced on behalf of the University, submitted that the Executive Council of the

University was constituted on 07.03.2016 and held its first meeting on 19.12.2017. Inviting our attention to the proviso to Section 20(1) of the Act, it was submitted that until the constitution of the first Executive Council, the Steering Committee of MOCA was required to function as the interim Executive Council. It was, therefore, contended that the Visitor was competent to take action against the First Registrar.

- 19.** *Per contra*, learned senior counsel appearing for the First Registrar submitted that the Visitor is empowered to appoint the Vice Chancellor but cannot exercise disciplinary authority on the recommendation of MOCA, which has no statutory role in disciplinary proceedings concerning employees of the University. It was argued that the First Registrar was an employee of the University and not of MOCA and, therefore, no disciplinary action could have been initiated or undertaken by MOCA. It was accordingly urged that the appeals deserved to be dismissed.

### **ANALYSIS**

- 20.** We have considered the rival submissions advanced on behalf of the parties and have perused the record. From perusal of Section 2(b), (l) and (x), Section 9(1), 9(2) to 9(12), Section 12,

Section 14 and Section 20 of the Act, the following conclusions can be deduced:

- (i) “academic staff” means such categories of staff as are designated as academic staff by the Ordinances. [Section 2(b)]
- (ii) ‘employee’ means any person appointed by the University and includes the teachers and other staff of the University. [(Section 2(l)]
- (iii) Teachers of the University means Professors, Associate Professors, Assistant Professors, Readers, Senior Lecturers, Lecturers and such other persons as may be appointed or recognised for imparting instruction or conducting research in the University or in any college or institution maintained by the University. [Section 2(x)]
- (iv) The President of India is the Visitor of the University and has the powers enumerated in Section 9(2) to Section 9(12) of the Act. [Section 9]
- (v) The Registrar has to be appointed by the Executive Council and has such powers and duties which may be prescribed by the Statutes. [Section 14]

- (vi) The Executive Council is the principal Executive Body of the University and till the First Executive Council is formed, the Steering Committee of MOCA shall function as an interim Executive Council. (Section 20)

**21.** Section 46 of the Act contains transitional provisions. The relevant extract of Section 46 reads as under: -

**“46. Transitional provisions.—**

Notwithstanding anything contained in this Act and the Statutes,—

(a) the first Chancellor and the first Vice-Chancellor shall be appointed by the Visitor in such manner and on such conditions as may be deemed fit and each of the said officers shall hold office for such term, not exceeding five years, as may be specified by the Visitor;

(b) the first Registrar and the first Finance Officer shall be appointed by the Visitor on the recommendation of the Vice-Chancellor and each of the said officers shall hold office for a term of three years.”

**22.** Statute No. 28 deals with the removal of employees of the University. The relevant extract of Statute No.28 is extracted below: -

**“28. Removal of employees of University.—**

(1)

Where there is an allegation of misconduct against a teacher, a member of the academic staff or other employee of the University, the Vice-Chancellor, in the case of the teacher or member of the academic staff, and the authority competent to appoint (here after in this Statute referred to as the appointing authority) in the case of other employee, may, by order in writing, place such teacher, member of the academic staff or other employee, as the case may be, under suspension and shall forthwith report to the Executive Council the circumstances in which the order was made:

Provided that the Executive Council may, if it is of the opinion, that the circumstances of the case do not warrant the suspension of the teacher or the member of the academic staff, revoke such order.

(2) Notwithstanding anything contained in the terms of the contract of appointment or of any other terms and conditions of service of the employees, the Executive Council in respect of teachers and other academic staff, and the appointing authority, in respect of other employees, shall have the power to remove a teacher or a member of the academic staff or other employee, as the case may be, on grounds of misconduct.

(3) Save as aforesaid, the Executive Council, or as the case may be the appointing authority, shall not be entitled to remove any teacher, member of the academic staff or other employee except for a good cause and after giving three

months' notice or on payment of three months' salary in lieu thereof.

(4) No teacher, member of the academic staff or other employee shall be removed under clause (2) or clause (3) unless he has been given a reasonable opportunity of showing cause against the action proposed to be taken in regard to him.”

Thus, where there is an allegation of misconduct against a teacher, a member of the academic staff, or other employee of the University, the Vice-Chancellor, in the case of teacher and member of the academic staff, and the appointing authority in the case of other employee, may, by order in writing, place such teacher, member of the academic staff or other employee, as the case may be, under suspension and shall have the power to remove on the ground of misconduct.

**23.** The necessity for transitional provision may arise either due to change in law, whether the change in law is caused by new law, or by repeal and substitution or modification of law. Section 46 of the Act is, undoubtedly, a transitional provision. The function of a transitional provision is to make special provision for the application of legislation to the circumstances which exist at the time when the legislation comes into force<sup>1</sup>. One feature of a

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<sup>1</sup> Thornton on Legislative Drafting 3<sup>rd</sup> ed.; (1987), p.319

transitional provision is that its operation is expected to be temporary, in that it becomes spent when all the past circumstances with which it is designed to deal have been dealt with, while the primary legislation continues to deal indefinitely with the new circumstances which arise after its passage<sup>2</sup>. The power under Section 46(b) of the Act, exhausts itself when it is exercised by making an appointment.

**24.** Statute No.28(1) provides that power of removal of a teacher, a member of academic staff or other employee of the University, the Vice-Chancellor, on the ground of misconduct, is conferred upon the appointing authority. The appointing authority for the post of Registrar is the Executive Council, which has power to take an action for removal of the Registrar on the ground of misconduct.

**25.** However, the present case stands on a distinct footing, as, we are concerned with the First Registrar and not the Regular Registrar. Section 46(b) and Statute No.28(1) must, therefore, be read in the light of Section 16 of the General Clauses Act, 1897, which provides that where, by any Central Act or Regulation, a power to make appointment is conferred, then,

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<sup>2</sup> *Britnell v. Secretary of State for Social Security*; [1991] 2 All ER 726

unless a different intention appears, the authority having power to make appointment shall also have power to suspend or dismiss any person so appointed in exercise of that power. Thus, the appointing authority necessarily possesses the power to terminate the services of the employee appointed by it.

**26.** In the instant case, the First Registrar was appointed on 01.03.2019 and joined the services of the University on 08.04.2019. During the period of probation, by an order dated 08/09.01.2020, his services were terminated. The First Registrar challenged the order of termination in a writ petition. By an order dated 17.09.2021, the learned Single Judge directed the appellants to reinstate the First Registrar to the Post of Registrar with all consequential benefits in terms of appointment letter 01.03.2019. Thereafter, the Division Bench of the High Court by an order dated 17.12.2021 found the order of termination to be stigmatic and remitted the matter to the University, to proceed afresh. The aforesaid order of the Division Bench has attained finality as Special Leave Petition preferred by the First Registrar was dismissed. It is noteworthy that in the aforesaid round of litigation, the First Registrar did not take the plea that Visitor lacked authority to terminate his services.

**27.** Pursuant to the remand, an Enquiry Committee was constituted. A Memorandum of Charges dated 22.02.2022 was served on the First Registrar and an Enquiry Report was submitted on 29.03.2022. The Visitor granted approval for termination of services of First Registrar on 20.04.2022, which was communicated to him on 27.04.2022. The tenure of the First Registrar under Section 46(b) of the Act was three years i.e., from 01.03.2019 till 28.02.2022. Therefore, in terms of Statute No.28(1), the services of the First Registrar were terminated by the Visitor who was also the appointing authority of the First Registrar. The action terminating services of the First Registrar appears to be in consonance with Statute No. 28(1).

### **CONCLUSION**

**28.** In the facts and circumstances of the present case, the exercise of power by the Visitor appears to be just and proper. We are, therefore, unable to concur with the finding recorded by the Division Bench of the High Court in its judgment dated 22.05.2024 that the Visitor had no role in the disciplinary proceedings against the First Registrar of University.

**29.** However, having regard to the peculiar facts and circumstances of the case, namely, the expiry of period of appointment of the

First Registrar and the repeated rounds of litigation between the parties, we are not inclined to interfere with the operative directions issued by the High Court.

**30.** Accordingly, the appeals are disposed of in the aforesaid terms.

There shall be no order as to costs.

.....**J.**  
**[PAMIDIGHANTAM SRI NARASIMHA]**

.....**J.**  
**[ALOK ARADHE]**

**NEW DELHI;**  
**MAY 21, 2026.**