
(2017) 07 JH CK 0068
In the Jharkhand High Court
Case No : 3770 of 2016

Shanti Thakur, & Ors.

APPELLANT

Vs

Most. Ukma Devi, & Ors.

RESPONDENT

Date of Decision : 07-07-2017

Acts Referred:

Constitution of India, Article 226 -
Jharkhand Agricultural University Act, 2000, — Section 19, Section 2, Section 25,
Section 25(i), Section 24(v), Section 24(IV), Section 25(II)

Citation : (2017) 07 JH CK 0068

Hon'ble Judges : Pramath Patnaik

Bench : SINGLE BENCH

Advocate : Anil Kumar, Chandana Kumari, Md. A. Allam, Nehala Sharmin, A. K. Sahani, Ajit Kumar

Judgement

1. In the accompanied writ application, the petitioner has interalia prayed for quashing the office order dated 14.07.2016 issued by respondent no.2 whereby the post of Director, Students' welfare has been held to be nonacademic/ non-teaching cadre and directed the University to proceed accordingly and further prayer has been made for staying the operation of the order dated 14.07.2016 during the pendency of the writ petition.

2. Shorn of unnecessary details, the factual matrix of the instant writ petition is that in pursuance to advertisement published in daily newspaper "Dainik Jagran" dated 12.05.2003, the petitioner applied for the post of Director, Students Welfare and panel was prepared and also the appointment of the petitioner was approved by the Board of Management of the University. Thereafter, letter of appointment was issued to the petitioner for the post of Director, Students Welfare and the petitioner joined the said post on 28.03.2005. After joining the said post, the petitioner applied for lien for three years since the petitioner was holding the post of University Professor. The Dean (Agriculture) made a recommendation for continuance of the petitioner as Professor in addition to new assignment. In the year, 2003, there was no distinction for non-teaching

employees so far as the age of superannuation is concerned. But subsequently, the age of superannuation of the teachers/scientist has been enhanced to 62 years in the year, 2005 and 65 years in the year, 2014 vide notification dated 18.10.2014. Prior to the year 1980, the Birsa Agricultural University was under the Rajendra Agricultural University, Pusa, Bihar and thereafter, Birsa Agricultural University came into existence in the year 1980. For determination the post of academic and non-academic regarding the post of Director, Students' welfare, the information was sought for from the Registrar as Rejendra Agricultural University, Pusa vide letter dated 07.03.2013 and as per the communication of the Rejendra Agricultural University, Pusa qualification for the post of Director, Students' welfare is more or less similar as academic post as evident from Annexure-8 to the writ petition. Similarly, the Registrar, Punjab Agricultural University communicated the same vide letter dated 25.03.2013 vide Annexure-9 and the Registrar, Bihar Agricultural University also communicated vide letter dated 26.03.2013 that the post of Director, Students' welfare seems to be an academic cadre as evident from Annexure-10 to the writ petition. Vide letter dated 23.08.2014 by the Director (Admn.), BAU, Kanke, Ranchi communicated to the OSD(J) to the Hon''ble Chancellor relating to the 76th Meeting of the academic council of the University declaring the post of Director, Students' welfare as academic subject to adoption of ICAR Model Act in the University by the Hon''ble Chancellor and/or approval of the Jharkhand Government vide Annexure-11 to the writ petition and vide letter dated 03.09.2014, the respondent no.4 to get the necessary details without waiting for approval/assent of ICAR Model Act by the State Government as per Annexure-12 to the writ petition. Further the Board of Management of BAU in 87th Meeting held on 17.03.2015 took a decision to declare the post of Director, Students' welfare to be the equivalent to the teaching cadre post and send the same to the Principal Secretary to the Hon''ble Chancellor for approval on 18.03.2015 vide Annexure-13 and the OSD (J) to the Hon''ble Chancellor vide letter dated 26.03.2015 communicated the approval of the resolution taken in 87th Meeting of the Board of Management declaring the post of Director, Students' welfare as Academic as per Annexure-14. The petitioner was to attain the age of 60 years in March, 2015 but prior to the superannuation of the petitioner, the decision has been taken that the post of Director, Students' welfare which the petitioner was holding is an academic post and the age of superannuation has been increased from 60 years to 65 years and the petitioner continued in the said post thereafter even after March, 2015. Section 2 (XXVIII) defines the word "Teacher" which means a person appointed or recognized by a University for the purpose of imparting instruction or conducting and guiding research or extension education and include a person who may be declared by the statutes to be a teacher and the duties to the post of Director, Students' welfare have been defined in the statute. It has been averred in the writ petition that after appointment to the post in question, the petitioner has taken Post Graduate Classes and also acted as advisor in the programme of Post Graduate of parent department. The Director (Administration) issued the office order dated 31.03.2015 declaring the

post of Director, Students' Welfare as Academic but with a rider subject to the approval of the State Government as per Annexure-20 to the writ petition and the said order was challenged by one Ramesh Lal Gupta in W.P.(S) No. 2010/2015, which was disposed of by this Court vide order dated 23.11.2015 directing the respondent no.2 to take a decision in accordance with law. The respondent no.2 vide letter dated 20.05.2015 directed the respondent no.4 to explain the provisions of law of Jharkhand Agricultural University Act for conversion of the non-teaching post as evident from Annexure-21 to the writ petition and the respondent no.5 vide letter dated 03.09.2015 sent a reply to the aforesaid letter of the respondent no.2 and also the Joint Secretary, Department of Agriculture, Animal Husbandry and Co-operative, Jharkhand Co-operative, Jharkhand vide letter dated 11.01.2016 sought the opinion from respondent no.5 about the provisions of law under which the conversion of post has been made as evident from Annexure-23 to the writ petition and the respondent no.5 sent a reply to the Government about the factual position vide letter dated 03.03.2016 as per Annexure-24. The respondent no.2 on the basis of opinion of the learned Advocate General took a decision that the post of Director, Students' welfare is not an Academic /Teaching post, accordingly office letter dated 14.07.2016 has been issued vide Annexure-25 which is impugned in the instant writ petition. It has further been averred in the writ petition that the petitioner has been granted the Academic Grade pay by office order dated 18.06.2011 and academic grade pay is only to the teachers in view of the circular issued by the State Government which itself signifies that the petitioner's post of Director, Students' welfare is a teaching post. Being aggrieved and dissatisfied with the office order dated 14.07.2016 issued by respondent no.2, the petitioner left with no other alternative has approached this Court invoking extra-ordinary jurisdiction under Article 226 of the Constitution of India for redressal of his grievances.

3. A counter-affidavit has been filed by the respondent nos.1 and 2 repelling the contentions made in the writ application. In the counteraffidavit, it has been submitted that while the petitioner was working as Chief Scientist-cum-University professor under the Birsa Agriculture University, Ranchi has been appointed as Director, Students' Welfare, Birsa Agriculture University and the representation was filed by the petitioner while Agriculture Department has asked report/details of teacher from the Birsa Agriculture University regarding enhancement of age from 62 years to 65 years vide letter dated 17.12.2013. In compliance of the said letter, the Birsa Agriculture University has submitted details of teaching post and other post vide letter dated 26.12.2013 as per Annexure-A to the counter-affidavit. Vide letter dated 18.10.2014 issued by Agriculture & Sugarcane Development Department has enhanced the age of superannuation of teachers from 62 to 65 years as per Annexure-B to the counter-affidavit. The petitioner was working as Director Student's Welfare in Birsa Agriculture University and knowing that he was going to be retired/superannuated as 60 years on 31.03.2015. The officers on special duty (Judicial) to the Hon'ble Government-cum- Chancellor of the University directed vice chancellor, Birsa Agriculture

University to get the necessary declaration regarding nature of the post of Director, Student's Welfare preferably within a period of 45 days so that the uncertainty about the date of retirement of the petitioner is ended as per Annexure-C to the counter-affidavit. The Board of Director/Management of Birsa Agriculture University, Kanke, Ranchi in its 87th Meeting held on 17.03.2015 recommended in respect of agenda no.87/1427 declaring the post of Director Student's Welfare as academic subject to approval from the Agriculture Department, Jharkhand in the light of Jharkhand Agriculture University Act, 2000 and the same has issued the office order dated 31.03.2015 vide Annexure-D to the counter-affidavit. Thereafter, the proposal for approval of declaring post of Director, Student's Welfare as academic by the Birsa Agriculture University to the Government of Jharkhand, Agriculture & Sugarcane Development Department vide letter dated 10.04.2015 and after receiving the said letter, the Agriculture & Sugarcane Development Department asked clarification from Birsa Agriculture University vide letter dated 20.05.2015 as to what provision of the act, the such decision has been taken by the University as per Annexure-E to the counter-affidavit. It has further been submitted that one Ramesh Lal Gupta preferred a writ application being W.P.(S) No.2010/2015 for quashing of memo dated 31.03.2015 whereby the post of Director, Student's Welfare has been declared as academic post without approval from the State Government in light of the provisions of section 25 (ii) of the Jharkhand Agriculture University Act, 2000. In the said writ petition, the department of Agriculture & Sugarcane Development Department filed counter-affidavit and the said writ petition has been disposed of on 23.11.2015 vide Annexure-F to the counter-affidavit. The relevant provisions of Section 2 (XXVIII) the Jharkhand Agriculture University Act, 2000 and Chapter IV under section 19 of the Jharkhand Agriculture University Act, 2000 have been referred to. Further it has been submitted in the counter-affidavit that the department has got opinion from the Learned Advocate General, Jharkhand and has come to the conclusion regarding the post of Director, Student's Welfare & communicated to the Chancellor, Birsa Agriculture University vide Annexure-G to the counteraffidavit. It has further been submitted that the petitioner has filed writ application being W.P.(S) No.844/2016 before this Court for quashing of the order dated 31.03.2015 issued by Birsa Agriculture University (Annexure-D) whereby the post of Director, Student's Welfare, BAU has been declared as Academic Subject to approval from the State Government in light of section 25(ii) of the Jharkhand Agriculture University Act which is still pending. It has further been submitted that the post of Director, Student's Welfare is not Academic/Teacher as per section 2 (XXVIII) & section 19 of the Jharkhand Agriculture University Act, 2000. The claim of the petitioner is not maintainable and the writ petition may be dismissed.

4. The counter-affidavit has been filed on behalf of the respondent nos.3 to 5 controverting the assertions made in the writ petition. It has been submitted that according to the University, the letter issued as Annexure-25 is within the jurisdiction and domain of the State Government. Several judgments have been

passed by the Hon'ble Apex Court, it has been observed that the decision to decide the age of retirement of a teacher and non-teaching is policy matter. Accordingly, different States have adopted different policy in respect of the age of retirement of the teachers. So far the age of retirement of teachers in the Birsa Agriculture University is concerned, the State Government has issued a letter dated 18.10.2014 whereby the age of retirement of teaching candidates who teaches in classroom, enhanced up to 65 years, specially for those appointed under the sanctioned post of UGC/ICAR and those appointments must be by the competent authority. Such facility is not available to the candidate whose services extended or who are reemployed as per Annexure-A to the counter-affidavit. It has further been submitted that so far the Act is concerned, the Jharkhand Agricultural University Act, 2000 in its provision, as contained in Section 25 states as under:- appointment, selection and fixation of pay and allowances and according to the aforesaid provisions, the power to fix the retiring age is vested in the State Government as it involves the financial implications. It has further been submitted that on the request of the petitioner, the act of the University, the chancellor has directed the University through OSD(J) letter dated 03.09.2014 to declare the post of Director, Students Welfare as academic or non-academic. Accordingly, the University decided the same which has been approved by the Chancellor/Governor of the State vide OSD(J) letter dated 26.03.2015 annexure-12 and 14 to the writ petition. It has further been submitted that in this context, the University has adopted different procedures and reviewed the matter declared as equivalent academic nature subject to the approval of the State Government especially in view of the provisions as contained in Section 25 of the Jharkhand Agricultural University Act, 2000 and the action of the respondent University is not illegal or arbitrary rather within its jurisdiction and domain.

5. In view of the rivalized pleadings, the relevant provisions which are applicable to the present case are referred to herein below:- (I) "Section 2 (XXVIII):- "Teacher" means a person appointed or recognized by a University for the purpose of of imparting instruction or conducting and guiding research or extension education and include a person, may be declared by the statutes to be a teacher.

Section 5: Object of the University- A University shall be established and incorporated for the following purposes, namely-

1. Making provision for imparting education in different branches of agriculture and any other allied branches of learning and scholarship which a University may find necessary to include;
2. Furthering the advancement of learning and prosecution of research in agriculture;
3. Undertaking the extension of such sciences, specially to the rural people of the State; and

4. Such other purpose as a University or State Government may from time to time determine.

8. Authority of a University:- (1) the following shall be authorities of a University, namely:-

1. Board of Management,

2. Senate,

3. The Academic Council,

4. The Board of studies of different faculties; and

5. Such other bodies of a University as may be declared by the statutes to be the authorities of that University.

10. Powers and Duties of the Board of Management:-

The Board of Management shall exercise the following powers and shall perform the following duties, namely:-

(a) frame, amend and repeal the Statute/Regulations in the manner prescribed under this Act;

(b) Review and consider the financial requirements and estimates for a University and approve its budget;

(c) Approve the recommendation for appointment of officers, teachers and other staff of a University in the manner prescribed;

(d) Provide for the administration of any fund placed at the disposal of a University for the purpose intended;

(e) Arrange for the investment and withdrawal of funds of a University;

(f) Borrow money for capital improvement with the approval of the State Government and make suitable arrangement for its payment;

(g) Provide for accepting, acquiring, holding and disposal of property on behalf of the University.

(h) Issue direction for the form and use of the common seal of the University;

(i) Appoint such committees, either standing or temporary as the Board of Management may consider necessary and specify the terms of reference thereof within the limitations of the Act or Statutes;

(j) Determine and regulate all policies relating to a University in accordance with the Act or the Statutes;

(k) Make financial provisions for instructions, teaching and training in such branches of learning and courses of studies as determined by the Academic Council within the provisions of this Act and for research advancement and

dissemination of knowledge.

(l) Provide for the establishment and maintenance of colleges hostels, laboratories, experimental farms and other facilities necessary for carrying out the purpose of this Act,

(m) Provide for institution, maintenance and award of scholarships, fellowships, studentships, medals, prizes, etc.;

(n) Accept on behalf of a University trust, bequests and donations,

(o) Make provision for instituting and conferring degrees diplomas and other academic distinctions;

(p) Meet such time and as such places which it considers necessary;

(q) Exercise such other powers and perform such other duties not inconsistent with the provisions of the Act of statutes as may be necessary for carrying out the purposes of this Act;

(r) Frame, amend, repeal the rules consistent with the provisions of this Act, statutes and the regulations.

Section 19: Officers of the University:- The following shall be officers of a University namely:-

(1) The Chancellor;

(2) The Vice Chancellor;

(3) The Registrar;

(4) The Comptroller;

(5) The Deans;

(6) The Directors; and

(7) such other persons in the service of a University as may be declared by the statutes to be the officers of a University.

Clause (4) of Section 24:-

(4) Director:-

i. The director of Research shall be responsible for the direction and co-ordination of research programmes as laid down in Section 26 and efficient working of the Research Stations;

ii. The Director of Resident Instruction shall be responsible for inter faculty and inter departmental co-ordination of under graduate and post-graduate resident instruction;

iii. The director of extension shall be responsible for direction and co-ordination

of agricultural extension programme as laid down in section 27;

iv. The duties and responsibilities of other Directors shall be as prescribed by the Statutes.

Clause (5) of Section 24:-

(5) Subject to the provisions of this Act an officer of a University referred to in clause (3) to (7) of Section 19 shall perform such other duties as may be prescribed or as may be assigned to him from time to time by the Board of Management or the Vice Chancellor.

Section 25:- APPOINTMENT SELECTION AND FIXATION OF PAY AND ALLOWANCES:- (i) Subject to the provision of this Act, the procedure for appointment, promotion, selection, fixation of pay and allowances, and other service conditions of teachers and members of the staff of a University shall be as prescribed in the statutes.

(ii) Notwithstanding anything contained in the Act no university or any college or its institution shall create any teaching or nonteaching post involving financial liability, or shall increase the pay and allowances of its staff without prior sanction of the State Government."

6. Learned senior counsel on behalf of the petitioner has submitted with vehemence that the impugned order passed by the respondent no.2 is without jurisdiction as Section 25 (ii) has got no application. Since bare reading of Section 25 (i) of the Act clearly suggests that so far as the conditions of service of employees of the University have been prescribed in the statute. Since, there is no provision or correspondence Rules of the State Government with respect to the nature of the dispute involved in the present case i.e. determination of whether the post of the Director, Students' Welfare is academic/teaching or not then such power is to be exercised by the syndicate. So far as the provision of Jharkhand Agricultural University Act, 2000 is concerned, it is the Board of Management, which is the highest body under the Jharkhand Agricultural University Act, 2000. Since, the Board of Management in its 87th Meeting dated 17.03.2015 has decided that the post of Director, Student's Welfare is an academic/teaching post, which has been subsequently approved by the Hon'ble Chancellor. Therefore, the impugned order dated 31.03.2015 issued by the respondent no.4 is illegal and without jurisdiction and the Vice Chancellor (respondent no.4) has no jurisdiction to sit over the decision of the Board of Management, which has been approved by the Hon'ble Chancellor by adding the condition for prior approval of the State Government under Section 25 (ii) of the Act. Learned senior counsel further submits that the impugned order vide Annexure-25 issued by respondent no.2 which is bereft of any reasons cannot be sustained in the eye of law. Learned senior counsel has also referred to the decision of the Hon'ble Apex Court reported in (2010) 13 SCC 336 in the case of Santlal Gupta and Others Vs. Modern Cooperative Group Housing Society Limited and Others, wherein the Hon'ble Apex Court has been pleased to inter alia hold

that the reason is heartbeat of every conclusion. It introduces clarity in an order and without the same, the order becomes lifeless. The reasons substitute subjectivity with objectivity. The absence of reasons rendered in the order indefensible/unsustainable particularly, when the order is subject to further challenge before a higher forum. Learned senior counsel has further referred to decision reported in 1978 (1) SCC 405 in the case of Mohinder Singh Gill & Another Vs. The Chief Election Commissioner, New Delhi & Ors. and also reported in (2016) 1 SCC 724 in the case of State of Punjab Vs. Bandip Singh and Ors., wherein the Hon"ble Apex Court has been pleased to hold that when a statutory functionary makes an order based on certain grounds, its validity must be judged by the reasons so mentioned and cannot be supplemented by fresh reasons in the shape of affidavit or otherwise. Learned senior counsel further submits that entire action on the part of the Vice Chancellor by sitting over the decision of the Board of Management and the Hon"ble Chancellor appears to be illegal, without jurisdiction. Learned counsel further submits that the University and State Government have already accepted the post of Director, Students' Welfare to be a teaching post, which can be demonstrated from the factual positions and the issue relating to determination of the duties and responsibilities of the Directors, as provided under the Act and the statutes. The provisions as contained in section 24 (iv) read with Section 24(v) of the Jharkhand Agricultural University Act, 2000 is to be taken into consideration and by conjoint reading of both the provisions would clearly show that the duties and responsibilities of the Director, Students' Welfare cannot be confined only to the duties as it has been provided under the statute and the true effect for determination of the duties and responsibilities of the Director, Students' Welfare is to be inferred from the assignment which has been made by the Vice Chancellor to the petitioner with respect to the teaching classes. Learned senior counsel for the petitioner further submits that there are two parts of "teachers", one is the person who has been appointed as a teacher for the purpose of imparting instruction or conducting and guiding research or extension education are to be treated as a Teacher and second one person who is recognized by the University for the purpose of imparting instruction or conducting and guiding research or extension of education. The case of the petitioner is to be brought under second part of the definition i.e. the recognized by the University for the purpose of imparting instruction. Learned senior counsel for the petitioner by referring to AIR (1963) SC 1227 (T.V.V. Narasimham and Ors. Vs. State of Orissa) wherein the Hon"ble Apex Court has defined the word "recognition" therefore an acknowledgment by the Government of the title of a grantee expressly or by some unequivocal act on its part. Acquiescence in the context of certain surrounding circumstances may amount to recognition, but it must be such as to lead to that inevitable conclusion. Mere inaction de hors such compelling circumstances cannot amount to recognition within the meaning of the section. Learned senior counsel submits that admission or acknowledgment on the part of the respondent authorities by Annexure-16 and Annexure-18 to the writ petition and the enhancement of the age from 62 to 65 years vide notification dated 18.10.2014 as contained in

Annexure-6 would suggest that the post of Director, Students Welfare is within the definition of teacher.

7. Learned counsel for the State has strenuously urged that the impugned order is a policy decision as such does not require any reason. Learned counsel for the State further submits that the definition of the teacher as given under Section 2 (XXVIII) of the Act is not applicable to the petitioner and it is not a post but the person who holds such post. Learned senior counsel for the University has vociferously submitted that the petitioner was appointed in the cadre post Director, Students' Welfare by direct recruitments vide Annexure-2 to the writ petition. Initially before the year 2005, the age of retirement of the teachers and non-teaching staffs was 60 years. The State Government vide Annexure-5 enhanced the age of retirement of teachers only up to 62 years. Similarly, vide Annexure-6 dated 18.10.2014, the age of retirement of teachers was enhanced up to 65 years but the age of retirement of other officers as mentioned under Section 19 and non-teaching staffs remained the same i.e. 60 years. Learned senior counsel for the University submits that resolution taken by the University and notification was made by the University itself on 31st March, 2015 (Annexure-20) under which the post of DSW was declared to be an academic post subject to the decision of the State Government. In pursuance to order dated 23.11.2015 passed in W.P.(S) No.2010 of 2015 accordingly, the impugned order dated 14.07.2016 vide Annexure-25 has been passed. Learned counsel for the University further submits that pursuant to Section 25 of the Jharkhand Agricultural University Act, creation of post and conversion of post lies in the hands of the Government because the Government grants the fund. Moreover, the nature and function of the work assigned to the Director, Students Welfare is mentioned in the statute no. III. The function of the Director, Students Welfare and his work is non-academic as he is the officer under Section 19 of the Agricultural University Act. To buttress his arguments, the University has referred to judgment in the case of Kapildeo Prasad Singh as reported in 2008 (4) JLR 668 and as confirmed by the Division Bench reported in 2012 (3) JCR 493. Learned counsel for the University has also referred to decision of the Hon'ble Apex Court reported in (2007) 11 SCC 58 and also (2013) 8 SCC 633. Learned counsel further submits that the teacher is defined under Section 2 (XXVIII) of the Act under which a person is a teacher who imparts education and do academic activities. Moreover, the officer is defined under Section 19 of the Act under which the functions assigned of Director, Students' Welfare is non-academic. Since, the similar issue has already been decided under the same judgment reported in 2012 (3) JCR 493. Learned counsel for the University submits that the post of Director, Students' Welfare is declared to be non-academic then all the officers whose post are mentioned under Section 19 of the Act are also non-academic. Admittedly, the post of Director, Students' Welfare comes under Section 19 of the Act which enumerates officers of the University. Much has been argued on behalf of the learned senior counsel for the petitioner that though the post of Director, Students' Welfare comes under the statutes

Section 19 of the Act but apart from administrative work the Director performs and imparts teaching and other education programme within the University. Learned senior counsel for the petitioner has led emphasis to expand the definition of teacher and not to give a constricted meaning. But on going through the relevant provisions of the Act as mentioned hereinabove the functions performed by the Director, Students' Welfare does not indicate that the duties of Director Students' Welfare is analogous that of teachers even by giving expanded expression of the term teacher rather the duties performed by the Director Students' Welfare are essentially administrative in nature.

8. From the aforesaid pleadings, the sole question is to be determined as to whether the petitioner shall be deemed to be a teacher and the post of Director, Students' Welfare can be construed to be an academic within scope and ambit of definition of teacher as mentioned as per the statute 2(XXVIII) of the Act. (II) From the perusal of the rivalized submissions and after hearing learned counsel for the respective parties, I am of the considered view that the relief sought for by the petitioner in assailing the impugned order at Annexure-25 is not tenable. In view of the fact that the fixation of different age of superannuation for the teaching staff and non-teaching staff is not only legal, but is also within the legislative competence to make necessary amendments in Jharkhand State Universities Act, 2000 and such action is neither unreasonable nor arbitrary. The Teaching and non-teaching staff invariably hold two different types of service. Therefore, the service conditions of the two groups are unequal. In the judgments reported in 2008 (2) JCR 587 (a) their lordships has been pleased to hold that the University will be justified to introduce different conditions of service for two different categories of employees. If it is otherwise impracticable to bring uniformity for the different categories of employees, it is permissible for the University to introduce the age of superannuation differently for different categories of employees. Moreover, the petitioner was conscious of the fact that under the provisions of the Act, the post of Director Students' Welfare falls under the category of officers and not teachers and the duties to be performed by the Director Students' Welfare are essentially in the nature of administrative functions.

(III) Similar issue has already been decided in the case of the Kapildeo Prasad Singh Vrs. State of Jharkhand & Ors. reported in 2008 (4) JLJR 668 wherein this Court by referring to statute of the Bihar Agriculture Universities Act and particularly Section 19, has been pleased to hold that the post of Registrar falls under the category of officers and not teacher and that the duties to be performed by Registrar are essentially in the nature of administrative functions. The said view has been confirmed by the Hon'ble Division Bench reported in 2012 (3) JCR 493. It would not be out of place to mention that the Hon'ble Apex Court in the case of B. Bharat Kumar And Others Vs. Osmania University And Others and with batch of cases reported in (2007) 11 SCC 58 has been pleased to hold that the retirement/superannuation of teaching staff of the University is a policy decision which the Court ought not to take because doing so "would be

trailing into the dangerous area of the wisdom of legislation".

As a logical sequitur to the aforesaid reasonings, the challenge of the petitioner to Annexure-25 does not warrant any interference by this Court.

Accordingly, the writ petition sans merit is hereby dismissed.