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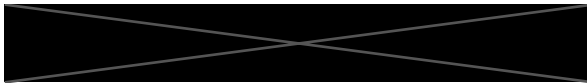


2026:GAU-MZ:237

**THE GAUHATI HIGH COURT**  
**(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)**

**Case No. : WP(C)/144/2024**

Sh. Zaithanzauva Pachuau and Anr.



2: Smt. Lalthanchami Sailo

VERSUS

The Mizoram University, (r/b the Registrar), Mizoram University and 5 Ors.  
Tanhrlil, Aizawl, Mizoram.

2:The Vice Chancellor  
Mizoram University

3:The Registrar  
Mizoram University

4:The Executive Council  
Mizoram University  
r/b its Chairman

5:The Joint Registrar (Establishment)  
Mizoram University

6:Sh. Lalnundanga

**- B E F O R E -**

**HON'BLE MR. JUSTICE KAUSHIK GOSWAMI**

Advocates for the petitioners : Mr. Joseph Lalchhanhima Renthlei  
Ms. Rosy Manlawmsangi  
Ms. Mary Lalramngheti  
Mr. Lalrinchhana  
Mr. Aldrin Zothanmawia  
Mr. F Lalzarzovi

Advocates for the respondents : Mr. L.H Lianhrima, Sr. Adv  
Mr. A.R Malhotra  
Ms. Ruth Lalruatfeli  
Mr. C Tlanthianghlima  
Ms. Vanlalthlamuani

Date on which judgment  
is reserved : **N/A.**

Date of pronouncement  
of judgment : **27.05.2026.**

Whether the pronouncement  
is of the operative part  
of the judgment ? : **No.**

Whether the full judgment  
has been pronounced : **Yes.**

## **JUDGMENT & ORDER (ORAL)**

Heard Mr. Joseph L Renthlei, learned counsel appearing for the petitioners. Also heard Mr. L H Lianhrima, learned Senior Counsel assisted by Ms. Ruth Lalruatfeli, learned counsel appearing for respondent Nos. 1 to 5, and Mr. A R Malhotra, learned counsel assisted by Ms. Vanlalthlamuani, learned counsel appearing for respondent No. 6.

**2.** By way of the instant petition under Article 226 of the Constitution of India, the petitioners have called in question the legality and validity of the appointment of respondent No. 6 to the post of Registrar, Mizoram University, contending inter alia that the entire selection process stood vitiated by apparent bias, manifest conflict of interest and violation of the principles of fairness governing public appointments.

**3.** The foundational facts are largely undisputed. Pursuant to the recommendation of the Selection Committee and approval of the 49th Executive Council of Mizoram University held on 17.12.2018, respondent No. 6 came to be appointed as Registrar by order dated 09.05.2019 for a tenure of five years commencing from 01.05.2019. Upon expiry of the said tenure, his continuance was extended by notification dated 25.04.2024 until a fresh appointment was made or until further orders, whichever was earlier, purportedly in exercise of powers under Statute 4(4) of the Mizoram University Statutes. Thereafter, an Employment Notice dated 18.06.2024 came to be issued inviting applications for several posts including that of Registrar.

**4.** The essential qualifications prescribed for the post of Registrar under the said advertisement were as follows:

*“Name of Post : Registrar*

*No. of Post : 1 UR*

*Post Code : REG*

*Pay Scale : PB RS.144,200/- in Level-14*

*Age Limit : Preferably below 57 years*

*Retirement age : 62 years*

*The appointment shall be for a tenure of 5 years or till attaining the age of superannuation i.e. 62 Years, whichever is earlier.*

*Essential Qualifications:*

*i) Master's degree with at least 55% of the marks or an equivalent grade in a point scale wherever grading system is followed*

*ii) At least 15 years of experience as Assistance Professor in the Academic Level 11 and above or with 8 years of service in the Academic Level 12 and above including as Associate Professor along with experience in education administration*

*or*

*Comparable experience in research establishment and/or other institutions of higher education*

*or*

*15 years of administrative experience, of which a year shall be as Deputy Registrar or an equivalent post”*

**5.** It is not in dispute that respondent No. 6, while continuing to function as Registrar pursuant to the extension granted to him, obtained a No Objection Certificate dated 08.07.2024 from the Head of the Department of Forestry, Mizoram University, and applied for the very same post of Registrar pursuant to the aforesaid advertisement. The petitioners also applied for the said post. Upon

scrutiny of applications, the candidature of both the petitioners and respondent No. 6 was found valid and a list of eligible candidates dated 08.10.2024 was accordingly published wherein respondent No. 6 appeared at Sl. No. 4 while the petitioners appeared at Sl. Nos. 5 and 10 respectively.

**6.** The record further discloses that external experts were thereafter nominated for constitution of the Selection Committee and the process culminated in recommendations being forwarded to the Executive Council. In its 66th Meeting held on 05.11.2024, the Executive Council approved the recommendation selecting respondent No. 6 for appointment to the post of Registrar. Consequent thereto, the impugned order dated 19.11.2024 was issued appointing respondent No. 6 as Registrar for a further tenure of five years. Aggrieved thereby, the present writ petition has been instituted.

**7.** Mr. Joseph L. Renthlei, learned counsel appearing for the petitioners, submits that the impugned appointment is wholly arbitrary, legally unsustainable and contrary to the fundamental principles governing fairness in public appointments. According to him, respondent No. 6, while himself being a candidate for selection, continued to function as Registrar throughout the recruitment process and actively participated in various stages connected with the said selection. It is contended that respondent No. 6 not only issued communications relating to nomination of external experts and circulation of Executive Council materials but also participated in the proceedings of the Executive Council which ultimately approved his own selection. Such conduct, according to the learned counsel, gives rise to a clear and reasonable apprehension of bias and thereby vitiates the entire process.

**8.** Learned counsel for the petitioners further contends that Statute 4(4) of the Statutes expressly contemplated appointment of another person by the Vice-Chancellor whenever the Registrar was unable to discharge his functions “by reason of illness, absence or any other cause.” According to him, once respondent No. 6 became a candidate for reappointment, propriety and institutional fairness required that he recuse himself completely from every stage of the recruitment process and permit another officer to discharge the statutory functions attached to the office of Registrar. The failure to do so, it is urged, strikes at the root of the institutional integrity of the selection process itself. In support of the aforesaid submissions, reliance has been placed on ***A.K Kraipak & Ors. vs. Union of India & Ors.***, reported in **(1969) 2 SCC 262**, and ***Pramod Kumar Bajaj vs. Union of India***, reported in ***MANU/Sc/0103/2026 [(2026) INSC 101]***.

**9.** *Per contra*, Mr. L.H. Lianhrima, learned Senior Counsel appearing for respondent Nos. 1 to 5, submits that the writ petition itself is not maintainable inasmuch as the petitioners, having consciously participated in the selection process without protest, are estopped from challenging the same after having failed to secure appointment. It is further argued that the petitioners have not specifically challenged the recommendation of the Selection Committee and have only questioned the consequential appointment order. On such basis, it is contended that the challenge is liable to fail at the threshold. Reliance in this regard has been placed upon ***Manish Kumar Shahi vs. State of Bihar & Ors.***, reported in **(2010) 12 SCC 576**, and ***Amarjeet Singh & Ors. vs. Devi Ratan & Ors.***, reported in **(2010) 1 SCC 417**.

**10.** Mr. A.R. Malhotra, learned counsel appearing for respondent No. 6, adopts the submissions advanced on behalf of respondent Nos. 1 to 5 and additionally submits that respondent No. 6 never participated in the decision-making process concerning his own candidature. According to the learned counsel, respondent No. 6 merely discharged ministerial functions attached to the office of Registrar by communicating decisions taken by the Vice-Chancellor and Executive Council. It is contended that though respondent No. 6 attended the Executive Council meeting in his ex officio capacity, he had walked out while his candidature was considered and therefore no prejudice can be said to have been caused. Reliance is placed upon ***State of Uttar Pradesh vs. Karunesh Kumar & Ors.***, reported in ***2022 SCC OnLine SC 1706***.

**11.** I have heard the learned counsels appearing for the parties at considerable length. I have also perused the pleadings and the materials placed on record, including the minutes of the Executive Council meetings, communications issued during the selection process and the statutory provisions governing appointment to the post of Registrar. The authorities relied upon by the respective parties have likewise received due consideration.

**12.** The principal issue arising for determination in the present writ petition is whether the appointment of respondent No. 6 to the post of Registrar, Mizoram University, stands vitiated on account of apparent bias and conflict of interest resulting from his continued participation in the institutional and administrative processes governing the recruitment in question.

**13.** In order to appreciate the controversy, it becomes necessary to advert to the relevant provisions of the Mizoram University Act, 2000 (hereinafter referred to as "the Act") and the Statutes framed thereunder governing the office of Registrar and the manner of appointment thereto. Section 14 of the Act provides that the Registrar shall be appointed in such manner as may be prescribed by the Statutes and shall exercise such powers and perform such duties as may be prescribed therein.

**14.** Statute 4 of the Mizoram University Statutes provides that the Registrar shall be appointed by the Executive Council on the recommendation of a Selection Committee constituted for the purpose and shall hold office for a tenure of five years, subject to eligibility for reappointment. The Statute further stipulates that where the office of Registrar falls vacant or where the Registrar is unable to discharge the duties of his office "by reason of illness, absence or any other cause", the duties of the office may be discharged by such person as the Vice-Chancellor may appoint for the purpose.

**15.** The Statute also delineates the wide-ranging powers and responsibilities attached to the office of Registrar. The Registrar is the custodian of records and official documents of the University; he issues notices convening meetings of the Executive Council and other statutory bodies; maintains minutes of meetings; conducts official correspondence; circulates agendas and proceedings; and functions as ex officio Secretary to the Executive Council.

**16.** The breadth of these statutory responsibilities assumes considerable significance in the context of the present dispute. The office of Registrar is not merely clerical or ceremonial in nature. It occupies a pivotal position within the

institutional administrative structure of the University and acts as the principal coordinating authority through which the decision-making processes of the Executive Council are operationalized. The authority to convene meetings, circulate agendas, communicate nominations, maintain records and authenticate proceedings necessarily places the Registrar in a position capable of influencing institutional processes, directly or indirectly.

**17.** It is in this backdrop that the conduct of respondent No. 6 falls for scrutiny. The materials on record unmistakably reveal that respondent No. 6, despite being himself an applicant for the post of Registrar, continued to function as Registrar throughout the recruitment process. The record further indicates that by e-mail dated 10.10.2024 issued from the official Registrar's e-mail address, respondent No. 6 informed the nominated external experts regarding their nomination for the Selection Committee concerning the post of Registrar and sought their comments and approval in respect thereof.

**18.** The records further disclose that respondent No. 6 thereafter communicated the approval of the Executive Council regarding nomination of the external experts and subsequently circulated the draft minutes of the 66th Executive Council Meeting held on 05.11.2024 to all members of the Executive Council seeking comments thereon.

**19.** The minutes of the 66<sup>th</sup> Executive Council Meeting held on 05.11.2024 further reveal that respondent No. 6 was present in the said meeting, his name appearing in the attendance sheet at Sl. No. 12. The minutes additionally disclose that the Executive Council resolved to approve the recommendation of the Selection Committee selecting respondent No. 6 for appointment to the post of Registrar. Significantly, the proceedings also bear authentication by

respondent No. 6 in his capacity as Registrar.

**20.** The sequence of events, therefore, unmistakably demonstrates that respondent No. 6 was not a detached or passive participant. On the contrary, he remained institutionally embedded within the recruitment architecture at every material stage. He continued to occupy the office through which communications were routed, nominations processed, records maintained, minutes circulated and Executive Council proceedings authenticated. The issue before this Court is thus not merely whether respondent No. 6 physically participated in deliberations concerning his candidature, but whether the continuance of a candidate within the administrative command structure governing the recruitment process itself undermined the fairness and institutional neutrality expected in public appointments.

**21.** At this juncture, it becomes necessary to first deal with the preliminary objection regarding maintainability raised on behalf of the respondents. The contention advanced is that the petitioners, having participated in the selection process without protest, are estopped from challenging the same after having failed to secure appointment.

**22.** The objection, though attractive at first blush, cannot withstand closer scrutiny in the facts of the present case. The doctrine that a candidate who knowingly participates in a selection process cannot later assail the same is founded upon principles of waiver and acquiescence. However, such doctrine cannot be mechanically extended to situations where the challenge pertains not to known criteria or disclosed procedures but to structural unfairness and institutional bias striking at the root of the process itself.

**23.** The reliance placed upon ***Manish Kumar Shahi (supra)*** is therefore misconceived. In the said case, the challenge was directed against the allocation of marks for viva voce after the petitioner had consciously participated in the process with full knowledge of the applicable criteria. The Apex Court held that a candidate who knowingly subjects himself to a declared procedure cannot subsequently question the same merely because the result proves unfavourable.

**24.** The factual matrix of the present case stands on an entirely different footing. Here, the petitioners are not challenging any disclosed eligibility conditions, selection criterion or procedural rule to which they had consciously acquiesced. The grievance raised pertains to the continued involvement of respondent No. 6 himself a candidate in administering and operationalizing the very recruitment process in question. Such involvement was neither transparent nor something against which the petitioners could reasonably have objected at the threshold.

**25.** More importantly, participation in a selection process cannot operate as a waiver against the fundamental requirement of fairness in public administration. Institutional bias, once established, vitiates the very substratum of the decision-making process. A process infected by reasonable apprehension of bias cannot be legitimized merely because candidates participated therein.

**26.** Equally misplaced is the reliance placed upon ***Amarjeet Singh (supra)***. In the said decision, the controversy pertained essentially to consequential seniority arising out of earlier promotions and not to the validity of the foundational selection process itself. The Apex Court held that where only consequential benefits are challenged without assailing the underlying promotion, such challenge may not be maintainable.

**27.** The present case stands fundamentally distinct. The petitioners herein have specifically challenged the entire chain of actions culminating in the appointment of respondent No. 6, including the notifications, Executive Council proceedings, circulation of minutes, recommendations and the final appointment order itself. The attack is therefore directed at the very legitimacy of the recruitment process and not merely at any consequential outcome flowing therefrom.

**28.** The reliance placed upon ***Karunesh Kumar (supra)*** is equally distinguishable. In the said case, unsuccessful candidates sought to challenge the selection process after participating therein with full awareness of the governing procedure. The Apex Court reiterated the principle that participation without objection ordinarily disentitles a candidate from subsequently challenging the process.

**29.** The present case, however, concerns something far more fundamental. The issue here is not dissatisfaction with the outcome of a competitive process but the existence of institutional bias arising from the continued participation and administrative involvement of a candidate in the machinery conducting the selection itself. The doctrine of estoppel by participation cannot be invoked to cure or legitimize a process tainted by apparent bias.

**30.** Having dealt with the preliminary objections, this Court now proceeds to examine the issue on merits.

**31.** The law relating to bias and institutional fairness in administrative decision-making is no longer *res integra*. In ***A.K. Kraipak (supra)***, the Constitution Bench of the Apex Court authoritatively held that even in

administrative actions, the principles of natural justice would apply where the decision-making process affects rights and legitimate expectations. The Court emphatically observed that the dividing line between administrative and quasi-judicial functions has progressively become thin and that fairness in State action is an inseparable component of the rule of law.

**32.** The Apex Court in the said decision further held that it is not necessary to establish actual bias. The true test is whether there exists a reasonable likelihood or apprehension of bias judged from the standpoint of ordinary human probabilities and normal course of conduct. The Court observed that where a candidate himself participates in the deliberative process concerning selection, his influence may operate subtly and unconsciously, rendering it impossible to ascertain the extent to which the collective decision stood affected.

**33.** The principles laid down in *A.K. Kraipak (supra)* have since become foundational to our administrative law. The doctrine is not confined merely to cases where a candidate formally votes or expressly participates in his own selection. The broader principle is that no person can be permitted to occupy a position where personal interest and official duty intersect in a manner giving rise to reasonable apprehension of partiality.

**34.** In the present case, respondent No. 6 occupied precisely such a position. He was not merely another candidate among equals. He was the incumbent Registrar; the statutory functionary entrusted with administering the institutional processes connected with the selection itself. The materials on record reveal that he continued to issue communications, coordinate procedural formalities, circulate official records and participate in Executive Council proceedings

throughout the selection process.

**35.** The submission advanced on behalf of respondent No. 6 that he merely performed ministerial acts or communicated decisions already taken by the Vice-Chancellor cannot be accepted. Administrative fairness is not confined solely to final adjudicatory acts. Institutional neutrality permeates every stage of the decision-making process. The office of Registrar is central to the administrative functioning of the University and carries with it substantial procedural influence. The ability to convene meetings, process communications, circulate agendas and maintain records cannot be regarded as insignificant or incapable of affecting institutional outcomes.

**36.** Equally untenable is the submission that respondent No. 6 had walked out when his candidature was considered. Apart from a bald assertion in the affidavit-in-opposition, there exists no contemporaneous material to substantiate such claim. Neither the minutes of the Executive Council meeting nor any official record reflects that respondent No. 6 recused himself or withdrew during deliberations concerning his candidature.

**37.** Even otherwise, the defence sought to be raised by the respondents that respondent No. 6 had allegedly walked out during consideration of his candidature does not rescue the impugned process in view of the law laid down by the Apex Court in ***A.K. Kraipak (supra)***. In the said case also, it was contended that the concerned member of the Selection Board had not participated when his own candidature was considered and had allegedly abstained during that stage of deliberation. The Apex Court nevertheless held that the very presence and participation of such person in the overall deliberative and selection process was sufficient to vitiate the entire selection. In

paragraph 9 of the aforesaid judgment, the Apex Court noticed that though “*Naqishbund*” did not sit in the Selection Board when his own name was considered, he admittedly participated in the deliberations when the claims of rival candidates were considered and also participated in preparation of the select list. The Apex Court accordingly held that the real question was not whether actual bias had been established but whether there existed reasonable grounds for believing that he was likely to have been biased. The Apex Court further observed that in matters of collective deliberation, influence frequently operates in a subtle and imperceptible manner and that the law must take into account human probabilities and ordinary course of human conduct.

**38.** The Apex Court furthermore observed that in group deliberations each member inevitably influences the others and such influence often operates in a subtle manner of which even the remaining members may themselves remain unconscious. The Apex Court specifically rejected the contention that absence of demonstrable influence or the independent functioning of the remaining members could cure the defect arising from participation of an interested person in the selection process.

**39.** The principle laid down in the aforesaid decision applies squarely and with even greater force to the facts of the present case. Here, respondent No. 6 was not merely a member participating in deliberations. He was the incumbent Registrar; the statutory authority through whom the entire recruitment process was operationalized. The materials placed on record clearly demonstrate that he continued to issue communications relating to nomination of experts, process and circulate Executive Council materials, participate in institutional proceedings connected with the recruitment and remain embedded within the administrative

framework culminating in his own selection.

**40.** Thus, even assuming *arguendo* that respondent No. 6 momentarily walked out during discussion of his candidature, the same would not cure the inherent illegality infecting the process. As held in ***A.K. Kraipak (supra)***, the vice lies not merely in formal participation at the final stage of consideration but in the continued involvement of an interested person within the institutional and deliberative framework governing the selection itself. Once such person remains embedded in the process, the possibility of subtle influence and favouritism cannot be excluded.

**41.** Viewed thus, the cumulative materials placed on record unmistakably indicate that respondent No. 6 remained actively associated with the selection process at multiple stages notwithstanding his candidature for the very same post. In such circumstances, the selection cannot be said to have been conducted in a manner which inspires institutional confidence or satisfies the constitutional requirement of fairness. Justice is not only required to be done but must manifestly appear to have been done.

**42.** The argument advanced on behalf of the respondents that respondent No. 6 merely discharged routine statutory duties attached to the office of Registrar also does not persuade this Court. The issue is not whether respondent No. 6 acted pursuant to express statutory authority. The issue is whether a person who himself stood to benefit from the outcome of the selection could legitimately continue to occupy a position of institutional control over the recruitment mechanism. In matters concerning public appointments, even the appearance of institutional neutrality assumes critical significance.

**43.** The doctrine against bias is founded upon a broader public law principle that decision-making processes must inspire confidence in fairness, transparency and impartiality. It is for this reason that courts have repeatedly held that justice must not only be done but must manifestly appear to have been done. Public confidence in institutional integrity stands eroded where a candidate continues to remain embedded within the procedural framework governing his own selection.

**44.** The facts of the present case disclose not a mere technical irregularity but a clear case of manifest conflict of interest. Respondent No. 6 remained in control of the office through which communications to external experts were routed; he continued to process and circulate Executive Council materials; he remained present in the Executive Council meeting approving the recommendation; and he authenticated proceedings connected with the selection process culminating in his own appointment.

**45.** This Court is unable to accept the contention that such involvement was wholly innocuous or incapable of influencing institutional decision-making. Human conduct and institutional dynamics cannot be viewed in sterile isolation. In collective deliberative bodies, influence does not necessarily operate through overt persuasion. The very presence of a candidate in a position of administrative authority within the decision-making ecosystem is sufficient to create a reasonable apprehension of partiality.

**46.** Particularly significant in the present case is the statutory scheme itself. Clause (4) of Statute 4 of the Statutes expressly contemplates a situation where the Registrar is unable to discharge his functions "by reason of illness, absence or any other cause", in which event the Vice-Chancellor may appoint another

person to perform such duties.

**47.** The expression “any other cause” occurring in the Statute cannot receive a narrow or pedantic interpretation. Statutory provisions designed to preserve institutional fairness must necessarily be construed purposively. Once respondent No. 6 became an applicant for reappointment to the very office he occupied, institutional propriety demanded complete disengagement from every stage of the recruitment process. Such circumstance squarely attracted the contingency contemplated under Clause (4) of Statute 4.

**48.** The failure to invoke the said provision has resulted in a process fundamentally inconsistent with the standards of fairness expected in public administration. Recusal in such situations is not a matter of personal discretion but an institutional necessity intended to preserve public confidence in the integrity of the selection process.

**49.** This Court is also unable to overlook the conspicuous absence of any formal recusal order or contemporaneous record demonstrating that respondent No. 6 had completely disassociated himself from the recruitment process. If indeed respondent No. 6 had recused himself from all matters connected with the selection, nothing prevented the University authorities from placing on record formal proceedings evidencing transfer of responsibilities to another officer. The absence of such material assumes considerable significance.

**50.** The reliance placed by the petitioners upon ***Pramod Kumar Bajaj (supra)*** further fortifies the legal position. The Apex Court therein reiterated that the doctrine of bias applies with equal force where the conduct of a member of a body gives rise to a reasonable apprehension that the process may

not have been institutionally impartial. The Court emphasized that the legitimacy of administrative action rests as much upon public perception of fairness as upon actual procedural compliance.

**51.** The respondents have repeatedly argued that there is no evidence of actual bias or manipulation by respondent No. 6. Such contention proceeds on an erroneous understanding of the law. The doctrine against bias does not require proof of actual prejudice. Indeed, actual bias is seldom capable of direct proof. The law, therefore, proceeds upon the principle of reasonable likelihood or reasonable apprehension of bias judged objectively from the standpoint of a reasonable person acquainted with the relevant facts.

**52.** In the present case, the cumulative circumstances unmistakably create such reasonable apprehension. A candidate for selection continued to occupy the office administering the recruitment process; issued official communications connected therewith; participated in Executive Council proceedings; circulated draft minutes; and authenticated proceedings culminating in his own selection. Such a process cannot inspire confidence in institutional impartiality.

**53.** This Court is conscious that academic institutions must ordinarily be afforded substantial autonomy in matters of administration and appointments. However, institutional autonomy cannot be elevated above constitutional principles of fairness and non-arbitrariness. Universities, though autonomous in administration, remain public authorities amenable to constitutional discipline under Article 14 of the Constitution of India. Every public appointment undertaken by such institutions must therefore satisfy the minimum standards of transparency, fairness and procedural integrity.

**54.** It must also be noted that the issue involved in the present case transcends the individual rights of the parties before this Court. The office of Registrar is one of considerable institutional significance within the University framework. Appointments to such offices must not merely be legally valid but must also command public confidence. Any process creating a perception that the institutional machinery stood controlled by a candidate himself inevitably damages the credibility of the institution concerned.

**55.** The respondents have attempted to contend that the external experts were nominated by the Vice-Chancellor, and that respondent No. 6 merely communicated such decisions. This submission, however, overlooks the broader institutional context. The vice in the process lies not merely in the source of nomination but in the continued administrative involvement of respondent No. 6 throughout the procedural chain. The external experts were fully aware from the very inception that respondent No. 6 was himself the incumbent Registrar who had communicated their nomination and appointment and through whose office the recruitment process was being operationalized. Likewise, the members of the Executive Council, while considering and accepting the recommendation of the external experts, could not reasonably be expected to remain entirely unaffected by the institutional position continuously occupied by respondent No. 6 within the selection process itself.

**56.** In the considered opinion of this Court, the present case represents a clear case where the apprehension of fairness in the selection process stood irreparably compromised. Even assuming that respondent No. 6 did not expressly influence the deliberations of the Selection Committee or Executive Council, the continuance of a candidate within the administrative framework

conducting the selection irreparably undermines the appearance of fairness which public institutions are constitutionally obligated to maintain.

**57.** Once such reasonable apprehension of bias stands established, the entire process becomes legally unsustainable. Courts exercising jurisdiction under Article 226 of the Constitution of India cannot remain indifferent where institutional fairness stands compromised in appointments to public office. The constitutional guarantee against arbitrariness extends not merely to substantive outcomes but equally to the fairness of the procedure by which such outcomes are reached.

**58.** Consequently, this Court is constrained to hold that the selection and appointment of respondent No. 6 to the post of Registrar, Mizoram University, stand vitiated by apparent bias and manifest conflict of interest and therefore cannot withstand judicial scrutiny under Articles 14 and 16 of the Constitution of India.

**59.** For the reasons recorded hereinabove, the impugned appointment order dated 19.11.2024 appointing respondent No. 6 to the post of Registrar, Mizoram University, is hereby set aside and quashed.

**60.** The consequential actions and proceedings arising out of the impugned selection, insofar as they relate to the appointment of respondent No. 6 as Registrar pursuant to the recruitment initiated by Employment Notice dated 18.06.2024, shall also stand annulled.

**61.** Accordingly, the respondent authorities are directed to initiate a fresh process for appointment to the post of Registrar strictly in accordance with law and in a manner ensuring complete transparency, institutional fairness and

institutional neutrality.

**62.** It is further directed that during the conduct of such fresh selection process, any person who is himself a candidate for appointment to the post shall stand completely recused from every stage of the recruitment, including administrative coordination, circulation of materials, communications with experts, participation in deliberations and authentication of proceedings connected therewith.

**63.** The fresh recruitment process shall be undertaken expeditiously and preferably within a period of four months from the date of receipt of a certified copy of this judgment.

**64.** Before parting, this Court deems it appropriate to reiterate that the present decision should not be construed as casting any personal aspersion upon respondent No. 6. The issue involved is one of institutional fairness and constitutional propriety. Public confidence in administrative processes can be sustained only where public authorities remain demonstrably insulated from situations giving rise to reasonable apprehension of bias.

**65.** The writ petition accordingly stands allowed. Pending applications, if any, shall also stand disposed of.

**66.** No order as to costs.

**JUDGE**

**Comparing Assistant**