

Court No. - 35

Case :- WRIT - A No. - 16179 of 2023

Petitioner :- C/M R.K. (P.G.) College And Another

Respondent :- State Of U.P. And 3 Others

Counsel for Petitioner :- Nipun Singh

Counsel for Respondent :- C.S.C.,Alok Mishra,Ashok Kumar
Yadav,Pooja Agarwal

Hon'ble Vikas Budhwar,J.

1. On the oral request of learned counsel for the petitioners, he is permitted to delete the third respondent from the array of the parties and correct the array of the parties during the course of the day.
2. The challenge raised in the present writ petition by the writ petitioners who claim to be R.K. (P.G.) College, Shamli is to the order dated 05.09.2023 whereby the respondent-University has disapproved the suspension and the dispensation of the services of the third respondent.
3. Sri Nipun Singh, learned counsel for the writ petitioners in his usual fairness submitted that the proceedings which were drawn against the third respondent by the writ petitioners for suspension and for dispensation of the services of the third respondent was in violation of principles of natural justice and according to him the order dated 05.09.2023 passed by the second respondent-University cannot be faulted with. He, however, submits that liberty be accorded to the writ petitioners to proceed afresh strictly in accordance with law after putting to notice the third respondent and also in conformity and in consonance with the statute or the ordinance as applicable therein.
4. Sri Santosh Kumar, learned Standing Counsel, Ms. Shruti Taneja (AOR A/B 0396/2021) holding brief of Ms. Pooja Agarwal who appears for respondent No. 2 as well as Sri Alok Mishra, learned counsel who appears for the third respondent have no objection to the same, however his anxiety is whenever action is being taken by the College, if they propose to take then, the same should be strictly in conformity with law, after due adherence to the principles of natural justice and on the basis of the documents available on record. The learned counsel for the respondents have

made a statement at Bar that they do not propose to file any response.

5. In view of the statement and the stand taken by the rival parties, this Court does not find any justifiable ground to quash the order dated 05.09.2023 passed by the Vice Chancellor, Maa Shakumbhari University, Saharanpur, however, it goes without saying that it is always open for the petitioners-college to take appropriate proceedings strictly in accordance with the ordinance and the statute as the case may be.

6. With the aforesaid observations, the writ petition stands disposed of.

Order Date :- 5.12.2023

Rajesh