

**Court No. - 35**

**Case :-** WRIT - A No. - 16501 of 2023

**Petitioner :-** Professor Sk Masud Hossain

**Respondent :-** Vice Chancellor Aligarh And 6 Others

**Counsel for Petitioner :-** Rafiuddin Ansari, Sadrul Islam Jafri, Sr. Advocate

**Counsel for Respondent :-** Shashank Shekhar Singh

**Hon'ble Vikas Budhwar, J.**

Heard Sri Rafiuddin Ansari, learned counsel for the petitioner and Sri Shashank Shekhar Singh learned counsel, who appears for respondents.

The challenge raised in the present writ petition is two orders. First an order of the second respondent, Registrar, Aligarh Muslim University, Aligarh passed on 19.10.2022 whereby the approval has been accorded for temporary removal of the writ petitioner from the Chairmanship of Department of Petroleum Studies till the final outcome of the fact finding inquiry is pending against him. The second order is under the signature of the Joint Registrar, Administration Teaching Aligarh Muslim University, Aligarh dated 26.5.2023 whereby a communication has been made to the Chairman of the Department of Petroleum Studies A.M.U. Aligarh a copy marked to the writ petitioner that the matter of confirmation of the writ petitioner has been kept in abeyance till the final decision of the fact finding inquiry committee/cases against him.

Sri Shashank Shekhar Singh learned counsel, who appears for respondents has placed the provisions under Section 36B of the Aligarh Muslim University Act, 1920 so as to contend that so far as the order dated 19.10.2022 is concerned, the writ petitioner may approach the Appellate Authority who shall decide the appeal of the writ petitioner within the time bound period. As far as the order dated 26.5.2023 of the third respondent is concerned, it is also appellable before the Executive Council. He submits that in case the writ petitioner prefers an appeal against both the orders then the same will be decided with most expedition.

I have heard learned counsel for the parties and perused the record.

I find that so far as the order dated 19.10.2022 is concerned the

same is the parent order which has been made the basis of the subsequent communication dated 26.5.2023 and the writ petitioner has approached this Court while filing writ petition approximately after a year and once there is a provision for an appeal then obviously the writ petitioner can avail the remedy in that regard.

In view of the said undisputed facts, liberty as accorded to the writ petitioner to prefer statutory appeal under Section 36B of the Muslim University Act against the both the orders and the court has no reason to disbelieve that the said appeal shall be decided by the Appellate Authority within a period of two months from the date of the production of the certified copy of the order.

It is further provided that in case the writ petitioner prefers an appeal within 15 days from today against both the orders then the Appellate Authorities shall decide the same on merits.

With the aforesaid observation, the writ petition is **disposed off**.

**Order Date :- 17.10.2023**

piyush