

Court No. - 1

Case :- SPECIAL APPEAL No. - 503 of 2023

Appellant :- Khwaja Moinuddin Chishti , Language University Lko. Thru. Registrar And Others

Respondent :- Dr. Tabinda Sultana

Counsel for Appellant :- Shubham Tripathi

Counsel for Respondent :- Kazim Ibrahim

Hon'ble Attau Rahman Masoodi,J.

Hon'ble Om Prakash Shukla,J.

1. Heard Shri Sandeep Dixit, Senior Advocate assisted by Shri Shubham Tripathi, learned counsel for the appellants, Shri J.N. Mathur, Senior Advocate assisted by Shri Kazim Ibrahim, learned counsel for the respondent.

2. This *intra-Court* appeal filed under Chapter VIII Rule 5 of Allahabad High Court Rules, 1952 arises out of an order passed by the writ Court in Writ-A No.6941 of 2023 on 22.09.2023, whereby, the order of suspension passed against the respondent-petitioner has been stayed and simultaneously the enquiry has been directed to be concluded with all expedition.

3. It may be noted that the charge-sheet has already been served upon the respondent-petitioner alongwith the documents placed reliance upon and the enquiry is still pending. The respondent-petitioner was appointed on 08.08.2020 on the post of Assistant Professor in Political Science and in all fairness, all the documents in support of her educational qualification ought to have been verified at the time of appointment. In any case, if

the educational qualifications of the respondent-petitioner has fallen in doubt on account of any surrounding suspicion as regards her studentship in the post graduation course, the same is liable to be enquired into.

4. Insofar as the admissions in the University i.e. Manav Bharti University, Himachal Pradesh (hereinafter referred to as "University") relating to the year in question are concerned, an enquiry by S.I.T. is already going on. The appellants on the basis of some verification obtained from the said University have proceeded against the respondent-petitioner by placing her under suspension.

5. The educational interest of students on the one hand and the interference by the delinquent Professor in the process of enquiry on the other are the two relevant considerations which would weigh for our consideration to sustain or reject the challenge. In all fairness, the matters relating to disciplinary action do not deserve to be kept pending by prolonging the enquiry and continuing an incumbent under suspension which is not a solution once the memo of charges is issued.

6. In the circumstances of the case and having regard to the order passed by the writ Court, we hereby permit the respondent-petitioner to file a reply, in reply to the charge-sheet, not later than for a period of two weeks from today. The enquiry

proceedings shall be concluded within a period of six weeks from the date of filing the reply and failure to submit the reply in no manner shall preclude the authorities to proceed in accordance with law.

7. The interim order shall operate subject to the outcome of enquiry as directed above. The writ petition as well as the appeal shall stand ***disposed of*** accordingly.

(Om Prakash Shukla, J.) (Attai Rahman Masoodi, J.)

Order Date :- 30.10.2023
Shubhankar