



Serial No. 16
Supplementary List

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP(C) No. 333 of 2023

Date of Decision: 11.07.2024

Professor Ponnaluru Srinivasa Suresh
Son of (L) P. Koteswara Rao,
Aged about 60 years,
Department of Economics,
North Eastern Hill University,
Shillong, Meghalaya,
Currently resident of
3/251 Upper Lachumiere,
Shillong-793001, Meghalaya

:::Petitioner

-Vs-

1.The North Eastern Hill University
Umshing, Mawkynroh,
Shillong- 793022, Meghalaya,
Through the Vice Chancellor of the University

2.The Executive Council, The North Eastern
Hill University,
Umshing, Mawkynroh,
Shillong – 793022, Meghalaya,
Through the Registrar of the University

3.The Head of Department,
Department of Economics,
The North Eastern Hill University,
Umshing, Mawkynroh,
Shillong-793022, Meghalaya



4.Respondent No. 4 struck off from the array of parties vide Hon'ble Court's order dated **05.10.2023**.

Coram:

Hon'ble Mr. Justice H. S. Thangkhiew, Judge

Appearance:

For the Petitioner/Appellant(s) : Mr. S. Chakrawarty, Sr. Adv. with
Mr. E. Laloo, Adv.

For the Respondent(s) : Mr. S. Sen, SC NEHU with
Ms. S. Shallam, Adv.

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| i) | Whether approved for reporting in Law journals etc.: | Yes/No |
| ii) | Whether approved for publication in press: | Yes/No |
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JUDGMENT AND ORDER

1. The petitioner who is a Professor in the Department of Economics, North Eastern Hill University, is before this Court with the following prayer.

- i. To set aside and quash the Resolution No.EC:188:2023:6:4:(ii) of the North Eastern Hill University, Shillong, conveyed by the Office Order F No. 17-368/Estt-II/2022-1658 dated 15.09.2023 of the University, whereby the forced leave of the



petitioner was extended for another thirty days with effect from 18.09.2023 and it was resolved that half pay (50% pay) be given to the petitioner with immediate effect, so as to enable the petitioner to resume his duties and draw his full salary forthwith;

- ii. To declare the Departmental Inquiry initiated against the petitioner vide the Memorandum F.17-368/Estt-II/2022/1672, dated 27.09.2023 of the North Eastern Hill University, and the documents annexed thereto, as ab initio null and void having disclosed no prima facie offensive or wrongful act having been committed by the petitioner;
- iii. To set aside and quash the said Departmental Inquiry initiated against the petitioner vide the Memorandum F.17-368/Estt-II/2022/1672, dated 27.09.2023 of the North Eastern Hill University, and the documents annexed thereto;
- iv. To grant such other relief/reliefs to which the petitioner may be found entitled.

2. The petitioner on the basis of a complaint by a research scholar, working under the supervision of the writ petitioner of sexual and mental harassment was by order dated 18.07.2023, asked to go on forced leave for 60(sixty) days, which was thereafter, extended by a subsequent order dated



15.09.2023. By a Memorandum dated 27.09.2023, pursuant to the decision of the 187th and 188th Executive Council and acceptance of the Internal Complaints Committee Report, an Inquiry was proposed to be gone into against the writ petitioner under Rule – 14 of the CCS (CCA) Rules 1965, on the matter of misconduct committed by him, while functioning as an employee of NEHU. Statement of charges framed, and also statement of imputation of misconduct or misbehavior, in support of the Articles of charge, in respect of which the Inquiry was to be held, were enclosed in the said Memorandum, and duly served on the writ petitioner.

3. Mr. S. Chakrawarty, learned Senior counsel assisted by Mr. E. Laloo, learned counsel on behalf of the writ petitioner has submitted that by the Memorandum and Articles of Charge, no offence has been disclosed or any offensive act been shown to have been purportedly committed by the writ petitioner, to warrant any disciplinary proceedings. It is further submitted that whatever indiscretions attributed to the writ petitioner that is being sought to be established by a departmental inquiry, are non-existent as will be evident from the materials on record and that the complaint has no basis whatsoever. He therefore prays that the entire proceedings drawn up against the petitioner be set aside and quashed.

4. Mr. S. Sen, learned Standing counsel for the NEHU respondents in reply, has submitted that the complaint or letter submitted by the student



being serious in nature was brought to the notice of the Vice Chancellor, and as such, as per requirement of law laid down in the Prevention of Sexual Harassment of Women at the Workplace Act, 2013, the matter was placed before the statutory authority that is the Internal Complaints Committee. It is also submitted that the writ petitioner had participated in the proceedings before the said Committee, and that he is at liberty to raise in the departmental proceedings any prejudice that he feels has been caused to him. With regard to the petitioner being asked to go on forced leave, learned counsel submits that the decision was taken considering the interest of the student and the student community as a whole.

5. It is further submitted that in the said facts and situation, the respondent authorities had decided to hold an inquiry against the writ petitioner, as per Rule 14 of the CCS (CCA) Rule 1965, for which a memo of charges along with all the required materials under the Rules had been served upon him. As the Departmental Inquiry is still pending, the learned counsel submits that the writ petition is premature and is liable not to be entertained by this Court at this stage.

6. Upon hearing the learned counsel for the parties and having examined the materials on record, at the outset itself, it is seen that the petitioner has approached this Court at a stage when the departmental proceedings drawn up against him are still pending, and as per the



submissions made, the written statement on his behalf is yet to be filed. The charges as framed are yet to be adjudicated upon and though the petitioner has alleged that no offence has been disclosed, the same will only be revealed in the course of the departmental proceedings. There being no allegations or complaints by the writ petitioner as to any irregularities or denial of adequate opportunity or the violation or the Principles of Natural Justice in any manner, in the pending proceedings, in the considered view of this Court, no case has been made out for any interference.

7. Accordingly, the writ petition is dismissed and the writ petitioner is expected to co-operate and participate in the said proceedings before the respondents.

8. No order as to costs.

Judge