



Serial No.06
Supp. List

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP(C). No. 539 of 2025

Date of Decision: 03.12.2025

Prof. Nirmalendu Saha,
S/o Late B. Saha.

...Petitioner

-Versus-

1. North-Eastern Hill University (NEHU)
through its Vice-Chancellor,
Mawkynroh-Umshing, Shillong-793022,
Meghalaya.
2. The Registrar,
North-Eastern Hill University,
Mawkynroh-Umshing, Shillong-793022,
Meghalaya.
3. The Joint Registrar,
North-Eastern Hill University,
Mawkynroh, Umshing,
East Khasi Hills District, Meghalaya.

...Respondents

Coram:

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

Appearance:

For the Petitioner/Applicant(s) : Mr. S.Pandey, Adv.

For the Respondent(s) : Mr. S.Sen, SC with
Ms. E.Blah, 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 (ORAL)

1. The writ petitioner who is serving as a Professor in the Department of Zoology in the North Eastern Hill University (NEHU), Shillong, was suspended by an order dated 19-06-2025, consequent upon his arrest by the Central Bureau of Investigation (CBI), based on an FIR dated 11-06-2025. In view of his being in custody for more than 48 hours, the petitioner was deemed to have been placed under suspension w.e.f. 11-06-2025, in terms of Rule 10 (2) of the Central Civil Services (CCA) Rules, 1965.

2. The limited prayer before this Court at this stage is only on the ground that 90 days have since elapsed after the suspension of the petitioner and the continuation thereof, without review, is illegal and arbitrary and in contravention of Rule 10 (6) which mandates that an order of suspension made or deemed to have been made by under the said Rule, shall be reviewed by the authority competent to modify or revoke the suspension before the expiry of 90 days from the effective date of suspension.



3. It is argued by Mr. S.Pandey, learned counsel on behalf of the petitioner that 90 days had lapsed on 16-10-2025, and till date no review has been initiated by the respondents with regard to the suspension. He therefore, prays by operation of law, the petitioner be reinstated into service forthwith. In support of his submissions, learned counsel has placed reliance on a judgment of this Court dated 16-07-2024, passed in ***WP(C). No. 129 of 2024*** in the case of ***Nantu Das vrs. North Eastern Hill University, Meghalaya.***

4. Mr. S.Sen, learned counsel for the respondents (NEHU), has submitted that the non-review of the suspension of the petitioner till date was due to compelling reasons. Firstly, the nature of the offence which was serious and also the fact that prosecuting sanction is still to be received. He further submits that the University may be given the liberty to take further action in accordance with law.

5. Heard the learned counsel for the parties. The short issue as submitted is only with regard to the non-review of the suspension of the writ petitioner as per the applicable CCS Rules. Without delaying the matter further, as mandated by Rule 10(6) and 10(7) and the proviso thereto, it is incumbent upon the authorities to review an order of suspension before the expiry of 90 days from the effective date of suspension, and on the recommendation



of the Review Committee, the same can be extended or revoked. Further, as provided under Rule 10(1) and Rule 10(2), an order of suspension shall not be valid after a period of 90 days unless it is extended after review.

6. In the instant case, it is not disputed that no review has been done till date, as such, by operation of law, the petitioner is entitled to be reinstated into service as the suspension can no longer be held to be valid. The writ petition is allowed, but this order shall not be taken to preclude the respondents from taking such further actions as necessary under law or as provided under Section 10(1) of the CCS Rules, 1965.

7. As ordered, the writ petition accordingly stands closed and disposed of.

8. As it is informed to the Court that the writ petitioner is due to retire on 31-12-2025, it is expected that the respondents act expeditiously in the matter.

Judge