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HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 2560 of 2025

Dr. Sunil Yadu S/o Shri Umesh Chandra Yadu Aged About 37 Years R/o Behind Mahatama Gandhi College, Station Road, Raipur, District Raipur, Chhattisgarh.

... Petitioner(s)

versus

1. State Of Chhattisgarh Through The Secretary, Department Of Higher Education, Indravati Bhawan, Mantralaya, Atal Nagar, Raipur, District Raipur, Chhattisgarh.
2. Secretary, Department Of Law, Indrawati Bhawan, Mantralaya, Atal Nagar, Raipur, District Raipur, Chhattisgarh.
3. The Director Of Department Of Higher Education, Raipur, District Raipur, Chhattisgarh.
4. Deputy Director Department Of Higher Education, Raipur, District Raipur, Chhattisgarh.
5. Commissioner Higher Education Directorate, Block-C, Second And Third Floor, Indravati Bhavan, Atal Nagar, Nava Raipur, Chhattisgarh.
6. J. Yogendam Chhattisgarh College Through Principal J. Yogendam Chhattisgarh College, Raipur, Chhattisgarh.

... Respondent(s)

For Petitioner	: Mr. Shivam Mishra, Advocate
For Respondents/ State	: Mr. Shahil Singh, P.L.

Hon'ble Shri Bibhu Datta Guru, Judge

Order on Board

14/10/2026

1. By way of the present writ petition, the petitioner has challenged the order dated 17.02.2025, whereby his assignment as a Guest

Lecturer has been terminated on the ground that he remained absent for a continuous period of 15 days. The impugned order has been passed by exercising the powers conferred under Clause 8.7 of the Guest Lecturer Policy, 2024.

2. Learned counsel for the petitioner submits that, vide order dated 20.06.2024, the petitioner was assigned the duties of a Guest Lecturer for a period of 11 months. Referring to Clause 14.2 of the Guest Lecturer Policy, 2024, he submits that the tenure of the petitioner's assignment was for a period of 11 months, extending up to July 2025. However, before completion of the aforesaid period, the petitioner's assignment was terminated vide the impugned order dated 17.02.2025 on the ground of his alleged continuous absence for 15 days. He further submits that the impugned order has been passed without issuing any notice to the petitioner or providing him an opportunity of hearing.
3. Learned State counsel, by filing an additional reply, has sought to justify the impugned order on the ground that the petitioner remained absent from 16.01.2025 to 01.02.2025. However, no documentary evidence has been placed on record by the State in support of the aforesaid contention.
4. In response to the additional reply, learned counsel for the petitioner, by filing a rejoinder, submits that the petitioner was assigned examination duties as an invigilator by Government J. Yoganandam Chhattisgarh College, Raipur, and was also paid remuneration for discharging the said duties on 11.01.2025,

14.01.2025, 16.01.2025, 20.01.2025 and 03.02.2025. He submits that once the petitioner was assigned examination duties by the college itself during the relevant period, the allegation that he remained continuously absent from his duties is without any substance. He further submits that neither was any notice served upon the petitioner nor was any opportunity of hearing afforded to him before passing the impugned order. In the absence of any material establishing unauthorized absence for a continuous period of 15 days, the impugned order is unsustainable in law.

5. Per contra, learned State counsel, referring to the additional reply, submits that the discharge of examination duties cannot be equated with the discharge of teaching duties in the capacity of a Guest Lecturer. He, therefore, submits that the petitioner having remained absent from his teaching duties for a continuous period of 15 days, the respondents were justified in treating the said absence as unauthorized and terminating his assignment in exercise of the powers conferred under Clause 8.7 of the Guest Lecturer Policy, 2024.
6. I have heard learned counsel for the parties and perused the records.
7. A perusal of the record reveals that the petitioner's assignment as a Guest Lecturer was terminated by the impugned order dated 17.02.2025 (Annexure P-3), invoking Clause 8.7 of the Guest Lecturer Policy, 2024, on the ground that he had remained absent for a continuous period of 15 days.

8. At the outset, it is evident that the impugned order has been passed without issuing any notice to the petitioner or affording him an opportunity of hearing. Further, the respondents have not placed any documentary material on record to substantiate the allegation that the petitioner remained unauthorizedly absent for a continuous period of 15 days.
9. Although the State, in its additional reply, has contended that the petitioner remained absent from 16.01.2025 to 01.02.2025, the petitioner, in his rejoinder, has specifically asserted that he was assigned examination duties as an invigilator by Government J. Yoganandam Chhattisgarh College, Raipur, on 11.01.2025, 14.01.2025, 16.01.2025, 20.01.2025 and 03.02.2025, for which remuneration was also paid to him. The aforesaid assertion of the petitioner has not been controverted by the respondents by placing any material on record.
10. In the facts and circumstances of the case, the contention of the State that the performance of examination duties cannot be treated as the discharge of duties by the petitioner cannot be accepted in the manner sought to be urged. The examination duties were assigned to the petitioner by the college itself, and he was also paid remuneration for discharging the same. The respondents, therefore, could not have proceeded to terminate the petitioner's assignment on the allegation of continuous unauthorized absence without duly considering the aforesaid

circumstances and establishing the alleged absence by cogent material.

11. Further, the impugned order has been passed without affording the petitioner an opportunity to explain his position, thereby denying him an opportunity to contest the allegation forming the basis of termination. In the absence of supporting documentary evidence and compliance with the principles of natural justice, the impugned order cannot be sustained in law.
12. Accordingly, the impugned order dated 17.02.2025 (Annexure P-3) is hereby **quashed**. The respondents are directed to take back the petitioner as a Guest Lecturer and permit him to complete the remaining period of his assignment in terms of the order dated 20.06.2024, subject to the applicable terms and conditions governing such assignment.
13. In view of the aforesaid observations and directions, the writ petition is **allowed** to the extent indicated above.

SD/-
(Bibhu Datta Guru)

JUDGE