



2026:UHC:1865-DB

IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL
THE HON'BLE CHIEF JUSTICE MR. MANOJ KUMAR GUPTA
AND
THE HON'BLE JUSTICE MR. SUBHASH UPADHYAY
Writ Petition (S/B) No.146 of 2026
18 March, 2026

Shivendra Kumar Kashyap

-----Petitioner

Versus

Govind Ballabh Pant University of Agriculture and
Technology Patnagar and Others

-----Respondents

Presence:-

Mr. Vipul Sharma and Mr. Maneesh Bisht, learned counsel for the
petitioner.

Mr. Satyendra Singh Lingwal, learned counsel for respondent nos.1
and 2/ G.B. Pant University.

JUDGMENT: (per Mr. Manoj Kumar Gupta C. J.)

1. The present writ petition has been filed praying
for issuance of a writ of certiorari for quashing the charge-
sheet dated 05.02.2026 and the consequential
departmental disciplinary enquiry in pursuance thereof.

2. The petitioner is presently posted as Professor
of Agricultural Communication and also the Co-ordinator,
DST-TEC (Department of Science and Technology,
Technology Enabling Centre).

3. It seems that various complaints were made
against the petitioner and for enquiring into the
allegations made against the petitioner, the Vice-
Chancellor of the respondent-university issued an office
order dated 05.06.2024 appointing enquiry committee
constituting of Dr. B.S. Bisht (Retired) Vice Chancellor of



G.B. Pant University as Enquiry Officer and Dr. Vivekanand then Additional Chief Personnel Officer as Presenting Officer.

4. Subsequently, by office order dated 11.07.2025, the enquiry committee was reconstituted and in place of Dr. Vivekanand, Shri K.S. Pundir, Chief Administrative Officer (Karmik Prabhand Anubhag) was appointed as Presenting Officer.

5. It further appears that on 05.02.2026, the Chief Personnel Officer acting on behalf of the Vice-Chancellor issued the impugned charge-sheet to the petitioner.

6. The submission of learned counsel for the petitioner is that as per Rule 6 of the Uttarakhand Government Servant (Discipline and Appeal) Rules, 2003 which are applicable in the present case, the appointing authority is the disciplinary authority and further that as per Rule 7(2), the charge-sheet has to be issued and signed by disciplinary authority whereas in the instant case, the charge-sheet has been issued by Chief Personnel Officer acting on behalf of the Vice-Chancellor.

7. It is urged that the Vice-Chancellor is not the appointing authority of the petitioner and, therefore, even he could not have issued the chargeheet. The submission is that the appointing authority of the petitioner is the Board of Management of the University.



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8. Shri Satendra Singh Lingwal, learned counsel appearing on behalf of the respondent-university does not dispute that the appointing authority of the petitioner is the Board of Management. He fairly concedes that in the present case, charge-sheet has been issued by a person who is not competent to issue the same. He states that the charge-sheet would be withdrawn and shall be issued by the competent authority.

9. In view of the statement made by learned counsel for the respondent-university, we dispose of the writ petition by providing that the impugned charge-sheet shall be withdrawn forthwith. This is without prejudice to the right of the person/authority competent to issue charge-sheet. In the event any fresh charge-sheet is issued to the petitioner, it shall be open to the petitioner to challenge the same in the manner permissible under law.

10. Pending application, if any, also stands disposed of.

(MANOJ KUMAR GUPTA, C. J.)

(SUBHASH UPADHYAY, J.)

Dated: 18.03.2026
SS

**SUKHBANT
SINGH**

 Digitally signed by SUKHBANT SINGH
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