



2026:UHC:4499-DB

SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			<u>WPSB/390/2024</u> <u>Hon'ble Manoj Kumar Tiwari, J.</u> <u>Hon'ble Pankaj Purohit, J.</u> 1. Mr. Sanjay Sharawal, learned Senior Counsel assisted by Mr. Mobashshir Sarwar, learned counsel for the petitioner. 2. Mr. Divijay Nath Dubey & Mr. J.S. Bisht, Advocates for the respondents-IIM, Kashipur. 3. Mr. Manoj Kumar, learned Central Government Standing Counsel for the Union of India. 4. Petitioner was appointed as Associate Professor in Indian Institute of Management, Kashipur (IIM, Kashipur) w.e.f. 14.06.2012; he was thereafter promoted as Professor in the same Institution on 31.05.2014; petitioner tendered resignation on 31.10.2024, which was accepted by the Competent Authority in IIM, Kashipur on 30.01.2025. 5. By means of this writ petition, petitioner has sought the following reliefs:- (i) Issue writ, order or direction thereby calling the entire official records from Respondent-Institute pertaining to the disciplinary proceedings initiated against the Petitioner, and (ii) Issue an appropriate writ, order or direction in the nature of mandamus or any other writ striking down clause 9(4) read with clause 19(c) of the impugned regulations namely the Indian Institute Management Kashipur Regulations,



			2021 & impugned rules namely Rule 16 of the IIM Kashipur Rules and Regulations, 2013-2014 (Part-I Administrative Matters) promulgated under section 35 of the IIM Act as ultra virus of section 35 itself of the IIM Act read with Article 14, 16, 21 & 311 of the Constitution of India; and (iii) Issue an appropriate writ, order or direction in the nature of mandamus, certiorari or any other writ quashing the institution of disciplinary proceedings against the Petitioner as well as Memorandums dated 28.01.2023 & 19.09.2023 and all subsequent proceeding including letter dated 26.10.2023 for the appointment of Enquiry Officer and Presenting Officer and inquiry report being in contravention of Article 14, 16, 21 & 311 of the Constitution of India and the IIM Act as well as being mala fide, being in violation of the principles of natural justice and being initiated without proper authority amongst other reasons; and (iv) In addition to the aforesaid, without prejudice to the aforesaid reliefs, issue an appropriate writ, order or direction in the nature of mandamus, or any other directing the Director-in-Charge being an interested party and junior to the Petitioner, to not take a decision on the enquiry report; (v) In addition to the aforesaid, without prejudice to the aforesaid reliefs, issue an appropriate writ, order or direction in the nature of mandamus, or any other directing the Respondent Institute to grant an opportunity of hearing to the Petitioner in relation to punishment to be imposed prior to imposing punishment in the even that the inquiry report is accepted. 6. Learned Senior Counsel appearing for the petitioner submits that a charge-sheet was issued against the petitioner for a trivial charge, which deserves to be quashed. 7. Mr. Divijay Nath Dubey, learned counsel appearing of IIM, Kashipur, per contra, submits that after acceptance of petitioner's resignation, the master-servant relationship between petitioner
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and IIM, Kashipur has severed, therefore, there is no question of proceeding departmentally against the petitioner. He submits that the writ petition has become infructuous due to acceptance of his resignation and IIM, Kashipur cannot now proceed departmentally against the petitioner.

8. The writ petition is, accordingly, disposed of in terms of statement made by learned counsel for IIM, Kashipur. The Competent Authority in IIM, Kashipur is directed to process and release the pending dues of the petitioner within three months. Since disciplinary enquiry initiated against the petitioner was aborted due to acceptance of his resignation, therefore, the charge-sheet issued to him will not come in the way in his getting employment elsewhere.

(Pankaj Purohit, J.) (Manoj Kumar Tiwari, J.)
05.06.2026

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NOTARY PUBLIC
KASHIPUR



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