

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5575 of 2015

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1. Satyendra Jha son of Late Surendra Jha resident of Village- Tarouni, P.O.- Tarouni, P.S.- bahera, District- Darbhanga.

.... Petitioner/s

Versus

1. Kameshwar Singh Darbhanga Sanskrit University, Darbhanga through its Registrar.
2. Vice Chancellor, Kameshwar Singh darbhanga sanskrit University, Darbhanga.
3. Registrar, Kameshwar Singh Darbhanga Sanskrit University, Darbhanga.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Abhinav Srivastava

For the Respondent/s : Mr. Awadhesh Prasad Sinha

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 18-05-2015

Obviously, the University does not seem to be well advised or versed with the procedure relating to conduct of departmental proceeding because if it was so, a composite order of suspension and withholding of two increments against the petitioner would not have been passed on 16.3.2015.

No doubt, petitioner could have been suspended in anticipation of the departmental enquiry, which has now been initiated, as would be evident from perusal of the counter affidavit of the University. Counsel for the petitioner pounced upon the materials annexed as Annexures but those are matters which are not required to be gone into in the enquiry and at this stage. The correctness or otherwise of the departmental proceeding will be

decided after it reaches a conclusion. There is no occasion for this Court to interfere with the departmental proceeding as such. Petitioner surely will get opportunity.

The impugned order contained in Annexure- 3 insofar as it relates to withholding of two increments against the petitioner is hereby set aside as a punishment cannot precede an enquiry. The order of suspension shall continue. The University is free to conduct departmental enquiry.

Writ is allowed to the extent indicated above.

(Ajay Kumar Tripathi, J)

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