

HIGH COURT OF CHHATTISGARH, BILASPUR

WRIT APPEAL NO. 196 OF 2014

Dr. Bhumi Nath Tripathi, S/o Shri S.N. Tripathi, aged about 38 years,
R/o 2-C, Sonal Apartments, Behind Hotel East Park, Magarpara
Road, Agrasen Chowk, P.S. Civil Lines Bilaspur (C.G.)
(Permanent R/o Vishnupuri Colony, Khozanipur, Faizabad, U.P.)

... **Appellant**

Versus

1. Guru Ghasidas Vishwavidyalaya, through Registrar (Acting),
P.S. Koni, Bilaspur (C.G.) 495009.
2. Vice Chancellor & Disciplinary Authority, Guru Ghasidas
Vishwavidyalaya, P.S. Koni, Bilaspur (C.G.) 495009
3. Assistant Registrar (Administration), Guru Ghasidas
Vishwavidyalaya, P.S. Koni, Bilaspur (C.G.) 495009
4. Head (I/C), Department of Botany, Guru Ghasidas
Vishwavidyalaya, P.S. Koni, Bilaspur (C.G.) 495009
5. Executive Council, through its Secretary, Guru Ghasidas
Vishwavidyalaya, P.S. Koni, Bilaspur (C.G.) 495009

... **Respondents**

For Appellant	:	Mr. Neeraj Choubey, Advocate.
For Respondents	:	Mr. Ashish Shrivastava, Advocate.

Hon'ble Shri Navin Sinha, Chief Justice
Hon'ble Shri Justice P. Sam Koshy

Judgment on Board

Per NAVIN SINHA, C.J.

09/07/2015

1. The present Appeal arises from order dated 7.3.2014
dismissing Writ Petition (S) no. 832 of 2013 holding that the order
dated 20.2.2013 terminating the probation of the Appellant required
no interference and that it was not stigmatic in nature.
2. In view of the nature of the order that we propose to pass, it is not
considered necessary to make a detailed discussion of the entire facts
and the questions of law involved as we are satisfied that a very

important circumstance does not appear to have been brought to the attention of the learned Single Judge by the parties and that this Appeal can be disposed on that singular important circumstance only. This is also considered important so as not to prejudice either party in the final decision to be taken by the appropriate authority concerned for reasons discussed hereinafter.

3. Suffice it to notice that the Appellant was appointed as Assistant Professor (Botany) on 26.5.2011 to be on probation for two years in the Respondent-University. The probation was terminated by the impugned order dated 20.2.2013. Learned Counsel for the parties addressed us at length on the issue with regard to the termination/discharge of the services of a probationer, when it would be stigmatic and innocuous, lifting of the veil, to find out whether the grounds were the motive or foundation, but we do not consider it necessary to deal with the issues in view of pending proceedings before the Hon'ble Visitor of the University initiated by the Hon'ble Visitor under Section 8 (10) of the Central Universities Act, 2009.

4. The Hon'ble Visitor on a complaint having issued show cause notice to the University and after preliminary consideration of the cause shown passed a preliminary order on 18.10.2013, inter-alia, with regard to the Appellant that termination/discharge of the Appellant did not appear justified. Further explanation was called for from the University in view of its reply having been found unsatisfactory. The University had submitted its reply, as we are informed at the Bar by Counsel for University, on 11.11.2013 vide letter no. S.No.278/Reg/2013 under signature of Professor I.D. Tiwari, Acting Registrar, of the Respondent – University. Nothing has been brought on record before us by the

Counsel for the parties with regard to any subsequent development on the same or final orders passed by the Hon'ble Visitor. The development also does not appear to have been placed before the learned Single Judge who therefore did not have the occasion to consider or apply his mind to the same.

5. If the Hon'ble Visitor is already seized of the matter in exercise of statutory jurisdiction of a development which had taken place during the pendency of the Writ Petition, we do not consider it wholly inappropriate to usurp the jurisdiction of the Hon'ble Visitor.

6. It shall be open for the Appellant to draw the attention of the Hon'ble Visitor to Item no. 36 of the 15th Executive Council meeting of the University on 21.1.2015 opining that the reply dated 11.11.2013 of the University referred to hereinabove was not approved in the appropriate manner and was incomplete before being placed before the Hon'ble Visitor.

7. The writ application is disposed granting liberty to the parties to approach the Hon'ble Visitor and request him for an early decision in the matter at his convenience.

8. The writ application stands disposed. The order of learned Single Judge is set aside with the aforesaid observations.

Sd/-
(Navin Sinha)
Chief Justice

Sd/-
(P. Sam Koshy)
Judge