

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Appeal No. 192 of 2015**

Prof. M S K Khokhar S/o Late M W S Khokhar, aged 65 years, Khokhar Lane, Opposite Mission Hospital, Bilaspur, Tahsil & District Bilaspur, Chhattisgarh.

---- Appellant**Versus**

1. H N Choubey S/o Late M.P. Choubey, aged about 47 years, Registrar, Guru Ghasidas University, Bilaspur, Chhattisgarh.
2. Union of India, Through its Secretary, Human Resources Development Department of Higher Education, Shastri Bhawan, New Delhi.
3. State of Chhattisgarh, through its Secretary, Department of Higher Education, Mantralaya, Mahanadi Bhawan, Raipur, Chhattisgarh
4. Guru Ghasidas University, through its Registrar, Guru Ghasidas University, Koni, Bilaspur Chhattisgarh
5. The Visitor, Guru Ghasidas University, Rashtrapati Bhawan, Secretariat, NewDelhi.
6. Dr. Laxman Chaturvedi S/o Late M.P.Chaturvedi, aged not known, the then Vice Chancellor, Guru Ghasidas University, Bilaspur, Chhattisgarh.
7. Prof. P.K.Bajpai S/o Not known, aged about 49 years, OSD Working under direct instructions of the Vice-Chancellor, Guru Ghasidas University, Bilaspur, Chhattisgarh.
8. Mr. Mani Kishore Tiwari S/o Not known, Aged not known, Editor-in-Chief, Lokayat Patrika Sub Office at Bilaspur Ram Bhawan, Manohar Cinema Parisar, Bilaspur, Chhattisgarh.
9. Shri Javed Usmani S/o Not known, Age not known, professional writer in Lokayat Magazine, R/o V.C. House, Guru Ghasidas University, Bilaspur, Chhattisgarh.

---- Respondents

For Appellant	:	Shri Prashant Jayaswal, Senior Advocate with Shri Saleem Kazi, Advocate.
For Respondents/ State	:	Shri B. Gopa Kumar, Deputy Advocate General.
For Respondent/UoI	:	Shri Narendra Kumar Vyas, Assistant Solicitor General
For Respondent/University	:	Shri Neeraj Choubey, Advocate.
For Respondent No. 6	:	Shri Shiv Shankar Tiwari, Advocate.
For Respondent No. 7	:	Shri K.A.Ansari, Senior Advocate with Shri Devesh G. Kela, Advocate.

**HON'BLE SHRI NAVIN SINHA, CHIEF JUSTICE &
HON'BLE SHRI P. SAM KOSHY, J.**

Judgment On Board**Per NAVIN SINHA, C.J.****13/7/2015**

1. The present appeal arises from order dated 22.4.2015

allowing Writ Petition (S) No. 1558 of 2012.

2. The Appellant was impleaded as Respondent No. 5 in the writ petition. He is an educated person holding charge in the Respondent-University.

3. There is a delay of 264 days in filing the appeal. IA No. 1 of 2015 filed for condonation of the same contains no explanation, whatsoever for this long and inordinate delay. Paragraphs 1 and 2 of the application for condonation of delay are pleadings on merits of the matter. Paragraph 3 states that the Appellant was not aware of the latest development and only on 15.1.2015 it was made aware of the writ petition having been allowed when Writ Appeal No. 208 of 2014 preferred by the Respondent-University against order of the Learned Single Judge was dismissed as withdrawn on 28.11.2014. This explanation is completely unacceptable in view of the fact that the Appellant was impleaded as Respondent No. 5 and was duly represented and heard as apparent from the order sheet dated 22.4.2014 itself.

4. A complete wrong and unfounded plea taken in the application for condonation of delay is a substantive ground by itself for rejecting the prayer.

5. IA No. 1 of 2015 for condoning the delay is rejected. Consequently, the appeal itself fails.

Sd/-
(Navin Sinha)
CHIEF JUSTICE

Sd/-
(P. Sam Koshy)
JUDGE