

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 2601 of 2015**

Dr. Smt. Kiran Tiwari W/o Shri Sudhir Tiwari Aged About 56 Years
Post Incharge Principal And Assistant Professor (Economics) Of Seth
Ratanchand Surana Arts And Commerce College, Durg, District Durg,
(Chhattisgarh)

---- **Petitioner**

Versus

1. State Of Chhattisgarh Through Secretary, Department Of Higher
Education, New Mantralaya, Naya Raipur, Distt. Raipur, (Chhattisgarh)
2. Commissioner, Higher Education, Directorate, Naya Raipur, District
Raipur, (Chhattisgarh)
3. Premchand Dewangan Chairman Governing Body, Seth Ratanchand
Surana Arts And Commerce College, Durg, District Durg,
(Chhattisgarh)

---- **Respondent**

For Petitioner : Dr. Kumaresh Tiwari and Shri Sanjeev Sahu, Advocates.
For Respondent/State : Shri YS Thakur, Deputy Advocate General.
For Respondent No.3 : Shri B.P. Sharma, Advocate.

Hon'ble Shri Justice Prashant Kumar Mishra

C A V Order

Passed on : 26/08/2015

1. The petitioner has assailed the legality and validity of the order dated
1.7.2015 (Annexure-P/1) passed by respondent No.3 relieving the
petitioner from the post of In-charge Principal.

2. It appears, the petitioner was made In-charge Principal of Seth R.C.S. Arts and Commerce College, Durg on 15.7.2014. By order dated 20.4.2015, the petitioner was relieved from the said charge, however, Additional Director, Higher Education, Raipur stayed the operation of the said order. The Management of the college thereafter issued show cause notice to the petitioner on 26.5.2015 to which the petitioner submitted her reply on 13.6.2015. An enquiry was conducted wherein several complaints relating to irregularities committed by the petitioner while officiating as In-charge Principal were found proved, therefore, on the basis of the said finding, the impugned order has been passed.
3. It is argued that the order is malafide in nature inasmuch as repeated attempts were made to relieve the petitioner from the post of officiating Principal. Learned counsel would further submit that only Secretary level officer can be made enquiry officer, however, local persons of the Management Committee were appointed as enquiry officer.
4. It is to be seen that by the impugned order, the Management of the College has not taken any adverse action against the petitioner inasmuch as neither the petitioner has been removed from her regular post nor any penalty has been imposed upon her. The order pertains to relieving the petitioner from the post of officiating Principal on which the petitioner has no right. Admittedly, the petitioner has not been promoted on the post of Principal. If the Management of the College was of the opinion that on account of administrative exigency someone

else than the petitioner is required to be made officiating Principal, no fault could be found with the order passed by respondent No.3. Had it been a case where any of the service condition of the petitioner is adversely affected on account of the impugned order, the argument raised by learned counsel for the petitioner would merit consideration. However, the issue pertains to handing over the charge of officiating Principal and not of any adverse action against the petitioner. In view of the detailed order passed by respondent No.3, it cannot be said that the order has been passed at the whims and fancy or just to relieve the petitioner of the charge. Moreover, the petitioner was issued a notice and after seeking her reply and making an enquiry, the impugned order has been passed. Therefore, principles of natural justice have also been adhered while passing the impugned order.

5. Ordinarily, the writ Court does not interfere with the internal administration of academic institutions.
6. For the foregoing, this Court does not find any substance in the writ petition. It is accordingly dismissed.

Sd/-
Judge
(Prashant Kumar Mishra)

Barve