

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

W.P.(S) No. 3274 of 2016

1. Smt. Beaula Nath, W/o. Shri Aseem Nath, aged about 40 years of age, working on the post of Assistant Professor, Guru Ghasidas Central University, Bilaspur. R/o. Near Mission Boy's Hostel, Jarhabhata, P.S. Civil Line, Tehsil and District – Bilaspur (C.G.), 495001.

---- Petitioner

Versus

1. Guru Ghasidas Central University, Through Its Registrar, Koni, Bilaspur (C.G.)
2. Executive Council, Guru Ghasidas Central University, Koni, Bilaspur (C.G.)
3. University Grants Commission, Through Its Secretary, Bahadur Shah Zafar Marg, New Delhi, 110002.

---- Respondents

For Petitioner	: Mr. Yatindra Nath Mishra, Advocate
For Respondent No.1 & 2	: Mr. Neeraj Choubey, Advocate
For Respondent No.3	: Mr. S.S. Rajput, Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

15/09/2016

Heard.

1. As per the case of the petitioner, the petitioner was relieved from her services by an order dated 12.12.2013 as she was not

regularized. The petitioner challenged the same in W.P.(S) No.4440/2013, wherein the said order of reliving/non-regularization of the petitioner was stayed by the Coordinate Bench of this Court by an order dated 02.01.2014. Thereafter, the petitioner continued in her services. The said W.P.(S) No.4440/2013 is still pending. In the meanwhile, the petitioner applied for study leave, which was rejected. Interim application was filed in W.P.(S) No.4440/2013 to grant the petitioner study leave to prosecute her study for M.E., wherein the petitioner was directed to file separate writ petition as such separate writ petition was filed bearing W.P.(S) No. 2477/2015. The matter came up for hearing before the Court and this Court by an order dated 14.07.2015 passed the order. The operative part of the order is quoted as under :-

“In view of the above submission made by learned counsel for the University, the petitioner would be at liberty to represent the matter before the E.C.. The E.C. may consider the petitioner's representation in accordance with law on the basis of revised guidelines issued by the UGC on the subject, in its first meeting, after appointment of the new Vice Chancellor.”

2. Subsequently, according to that order, a representation was filed, wherein in executive meeting, the representation of the petitioner was considered and following order was passed.

“Item No.26 - To consider the application of Ms. Beula Nath, Assistant Professor, Department of Electronics and Communication Engineering to grant study leave for pursuing ME.

RESOLVED that a petition bearing No. WP(S) 4440/2013, regarding service matter of Smt. Beula Nath is sub-judice and is pending before Hon'ble High Court hence the appeal can be considered in accordance with the orders of the Hon'ble Court in the petition referred above.”

3. Learned counsel for the petitioner would submit that the petitioner suffered a great loss as despite the order dated 14.07.2015, passed in W.P.(S) No.2477/2015, while rejecting the representation of the petitioner, no speaking order was passed and the university has by-passed the order of the Court. It is further submitted that in case the petitioner's application is not decided, she may suffer irreparable loss as she may become junior. The counsel for the petitioner further submits that the application for study leave, if it is not decided before 25.09.2016, then the petitioner may again lose a year, therefore, the application for study leave be decided as per order dated 14.07.2015, passed in W.P.(S) No.2477/2015.
4. Learned counsel for the respondents opposes the prayer.
5. Perused the order dated 14.07.2015, passed in W.P.(S) No.2477/2015 as also the resolution adopted by Item No. 26, wherein representation of the petitioner was decided. The resolution prima-facie reflects that there has been gross violation of the order dated 14.07.2015 as virtually it has by-passed the actual spirit of the order, wherein it was observed to decide the representation of the petitioner on the basis of the revised guidelines issued by the UGC on the subject. The reading of the resolution is completely

non-speaking and virtually shelved the order dated 14.07.2015 (Annexure P/2) and it appears that it sounds in contempt. Considering the facts, it is directed that representation of the petitioner be decided within further period of a week from today before 25.09.2016 taking into spirit, object and direction issued by the this Court vide order dated 14.07.2015, passed in W.P.(S) No.2477/2015.

6. With the aforesaid observation, the petition stands finally disposed off. No order as to costs.
7. Certified copy today.

Sd/-
(Goutam Bhaduri)
Judge