

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (S) No. 5583 of 2017

Dr. Sujeet Kumar Mishra S/o Dayashankar Mishra, aged about 41 years, presently posted and working as Associate Professor, Department of Education, Guru Ghasidas Central University Koni, Bilaspur, R/o Type - II, G - 3, new residential colony, Guru Ghasidas Central University Campus, Koni, Bilaspur, Police Station Koni, District Bilaspur, Chhattisgarh.

---- Petitioner

Versus

1. Guru Ghasidas Central University, Bilaspur through its Registrar, Guru Ghasidas Central University, Koni, Bilaspur, District Bilaspur, Chhattisgarh.
2. The Vice - Chancellor, Guru Ghasidas Central University Bilaspur, Koni, Bilaspur, District Bilaspur, Chhattisgarh.

---- Respondents

For Petitioner	:	Shri Mateen Siddiqui, Advocate.
For Respondents	:	Shri R. S. Baghel, Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

17/11/2017

Challenge in the present writ petition is to the order of suspension dated 14.10.2017 Annexure P-1.

2. Counsel for the petitioner submits that the petitioner has been suspended for no reasons whatsoever available and that there is absolutely no misconduct of any nature conducted by the petitioner, yet he has been made a scapegoat and placed under suspension vide the impugned order. He submits that though in the order of suspension a reference to a fact finding report dated 11.10.2017 is mentioned, the fact finding enquiry report which has been placed on record does not disclose any sort of irregularity or misconduct to have been performed by the petitioner which prima facie would establish that the order of suspension is bad in law.

3. At this juncture, this Court finds the writ petition to be premature for the reason that the order of suspension being an administrative order, the petitioner has a right to prefer an appeal against the order of suspension under the Provisions of Section 35 of the Central Universities Act, 2009 which categorically envisages a provision of preferring an appeal against any decision of any authority of the University.

4. At this juncture, it would also be relevant to take note of the submission made by Shri Rajnish Singh Baghel, counsel appearing for the university who has assured this Court that the Executive Council before whom the appeal would lie, is likely to be held in the first or second week of December, 2017.

5. If that be so, let the petitioner prefer an appeal, if not already preferred, taking all the stands that he has raised in the present writ petition, in the said appeal to be placed before the Executive Council. It is directed that respondent no.2 shall ensure that if the appeal of the present petitioner is filed within a period of 10 days from today, the same shall be placed before the Executive Council which is to be held in the 1st or 2nd week of December, 2017. It is expected that the appellate authority i.e. the Executive Council shall deliberate and take a decision on the appeal of the present petitioner in its next meeting. If for any reason the decision is not taken in the next executive council meeting, it is directed that the executive council must ensure taking a decision within 45 days from the date of filing of the appeal. The concerned authority must also ensure the meeting takes place accordingly.

6. With the aforesaid direction, the writ petition stands disposed of.

Sd/-
(P. Sam Koshy)
Judge