

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 24993 of 2017
Date of Decision: 19.12.2017

Dr. Arvind Singh Tejawat

.....Petitioner

Vs.

Central University of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Sumit Sangwan, Advocate,
for the petitioner.

Mr. Sajjan Singh, Advocate,
for respondents no. 1 to 3.

AMOL RATTAN SINGH, J. (ORAL)

The petitioner, who is an Assistant Professor in the Department of Hindi and Indian Languages, in the respondent Central University of Haryana, Mahendergarh, seeks a writ of certiorari thereby quashing the memorandum dated 16.11.2016 (Annexure P-1), asking him to explain as to why disciplinary action be not taken against him for the reasons given in paragraphs 1 to 4 of the said memorandum, in terms of the provisions of the agreement of service for University teachers.

He also challenges the notification dated 13.12.2016 (Annexure P-3), by which a Fact Finding Committee was notified to have been constituted by the Vice Chancellor of the University, to examine the allegations made against the petitioner, after considering his reply to the aforesaid memorandum, with the

Committee to also ascertain whether a prima-facie case for initiation of

disciplinary action against the petitioner was made out or not.

Still further, he also seeks quashing of the Minutes of the 32nd Meeting of the Executive Council of the University, dated 18.08.2017 (Annexure P-4), as also the memoranda dated 13.09.2017 and 15.09.2017 (Annexures P-5 and P-7 respectively), issued pursuant to the resolution of the Executive Council authorising the Vice Chancellor to hold an enquiry against the petitioner, with that decision conveyed to him vide Annexure P-5; and as regards Annexure P-7, he was advised to submit his reply to the charges issued to him, as were annexed with the memorandum Annexure P-5.

A notification dated 27.09.2017 (Annexure P-9) has also been challenged by him, by which the Vice Chancellor has constituted a One Member Enquiry Committee to enquire into the articles of charges levelled against the petitioner, with a Deputy Registrar of the University appointed as the Presenting Officer.

2. Other than quashing of the aforesaid memoranda, notifications and minutes of meeting / decision contained therein, he also seeks a writ of mandamus from this Court, directing the respondents to conduct an enquiry in accordance with Clause (Section) 8(3) of the Central University Act, 2009, by which the Visitor of the University (President of India) has the right to cause an inspection to be made of the University and its functioning, and cause an inquiry to be also made in respect of any matter connected with the administration or finances of the University.

In the aforesaid background, the petitioner having challenged the action of the Vice-Chancellor in appointing first a 'Fact Finding Committee', as regards the charges against the petitioner, it had been noticed in the order dated 03.11.2017, by which notice of motion was issued, that the disciplinary authority

of the petitioner is the Executive Council of the University, even as per the contract signed with him at the time of his employment with the University.

2. In response to the notice issued, learned counsel for the University points to the fact that the report of the 'Fact Finding Committee', was duly put up to the Executive Council, which accepted such report, vide a resolution dated 18.08.2017 (Annexure P-4), and therefore there is no prejudice caused to the petitioner, whatsoever.

He also points to Section 11 of the Central Universities Act, 2009, wherein sub section (3) empowers the Vice Chancellor to take immediate action as is necessary on any matter and exercise any power conferred on any authority of the University, and thereafter report to such authority the action taken by him.

The relevant parts of the said section are reproduced as follows:-

“11.Vice-Chancellor.-(1) The Vice-Chancellor shall be appointed by the Visitor in such manner as may be prescribed by the Statutes.

(2) The Vice-Chancellor shall be the principal executive and academic officer of the University and shall exercise general supervision and control over the affairs of the University and give effect to the decisions of all authorities of the University.

(3) The Vice-Chancellor may, if he is of the opinion that immediate action is necessary on any matter, exercise any power conferred on any authority of the University by or under this Act and shall report to such authority at its next meeting the action taken by him on such matter.

Provided that if the authority concerned is of the opinion that such action ought not to have been taken, it may refer the matter to the Visitor whose decision thereon shall be final:

Provided further that any person in the service of the University who is aggrieved by the action taken by the Vice-Chancellor under this sub-section shall have the right to represent against such action to the Executive Council within

three months from the date on which decision on such action is communicated to him and thereupon the Executive Council may confirm, modify or reverse the action taken by the Vice-Chancellor.

XXX XXX XXX

(5) The Vice-Chancellor shall exercise such other powers and perform such other duties as may be prescribed by the Statutes or the Ordinances.”

Upon specific query to learned counsel for the petitioner, as to whether any statutory rules/regulations/norms have been violated in following the procedure adopted by the Vice-Chancellor, learned counsel submits that there is no actual procedure laid down.

That being so and the disciplinary authority admitted to be, by the petitioner himself, the Executive Council, which has accepted the findings of the 'Fact Fact Committee' and thereafter has empowered the Vice-Chancellor to appoint an Inquiry Committee to conduct regular inquiry proceedings, and the Vice-Chancellor even as per the aforesaid statutory provision being empowered to do so, I see absolutely no reason to interfere with the inquiry proceedings any further.

As regards Section 8(3) of the aforesaid Act, very obviously it grants discretion to the Visitor (President of India) to cause an inspection of the University and its functioning and to also cause an inquiry to be made with regard thereto, as per the procedure provided in Section 8 itself.

That being a discretionary power with the Visitor, I see no call for this Court to issue any such direction by which it shall be the Visitor alone who would look into the action being taken by the petitioner. Naturally, if the petitioner is aggrieved of any action which he considers to be calling for attention of the Visitor, he would be free to represent accordingly, after which it would be the

discretion of the Visitor to interfere in the said matter or not. Absolutely no direction is called for in that regard by this Court.

Consequently, there being no merit in the petition at the stage of inquiry against the petitioner, it is dismissed.

December 19, 2017
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(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No.