

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPPIL No. 56 of 2018**

Shantanu Jha S/o S/o Shri Deepak Jha, Aged About 24 Years R/o Near Vandana Auto, Ramkund, Raipur, District Raipur, Chhattisgarh.

---- Petitioner**Versus**

1. Pt. Ravishankar Shukla University Through Its Registrar Administrative Building Pt. Ravishankar Shukla University Campus, Raipur, District Raipur, Chhattisgarh.
2. State Of Chhattisgarh, Through Secretary, Department Of Higher Education Mahanadi Bhawan, Mantralaya, Naya Raipur, District Raipur, Chhattisgarh.
3. State Of Chhattisgarh, Through Secretary, Department Of Home Mahanadi Bhawan, Mantralaya, Naya Raipur, District Raipur, Chhattisgarh.
4. Vyas Narayan Dubey, Professor Pt. Ravishankar Shukla University, Pt. Ravishankar Shukla University Campus, Raipur, District Raipur, Chhattisgarh.
5. Mohan Rao Pawar, (Inquiry Officer Of The Case) And State Information Commissioner, 1st Floor Indrawati Khand, Shastri Chowk Raipur, District Raipur, Chhattisgarh.

---- Respondents

For Petitioner	: Shri Akhand Pratap, Advocate.
For Respondent/University	: Shri Neeraj Choubey, Advocate.
For Respondent/State	: Shri A.S. Kachhawaha, Additional Advocate General.
For Respondent No.4	: Shri Manoj Kumar Dubey, Advocate.

Hon'ble Shri Ajay Kumar Tripathi, Chief Justice
Hon'ble Shri Parth Prateem Sahu, Judge

Order on Board**29/10/2018****Per Ajay Kumar Tripathi, Chief Justice**

1. Heard counsel for the parties.
2. A Public Interest Litigation has been filed by the Petitioner who claims himself to be student of one of the affiliated college under Pt. Ravishanker University. He has prayed for calling of entire records of the enquiry held against the private Respondent No.4 as also direct independent agency to hold proper investigation of the case and fix responsibility.
3. The origin of the present dispute relates to the manner in which the evaluation of the answer-sheets of the examination conducted by the University

was held and the so-called embezzlement of funds related to such evaluation and re-evaluation work. On the basis of such allegation having been made from different quarters, some primary kind of enquiry was held and the decision was taken to hold a regular departmental enquiry into the matter.

4. It seems that to maintain some kind of independence as well as fairness in the enquiry, the Information Commissioner of Chhattisgarh was appointed as the Enquiry Officer. Enquiry was held and a report dated 19.03.2018 with a covering letter dated 20.03.2018 was submitted to the Registrar of the University. A copy of the said enquiry is Annexure P/3 to the writ application.

5. We have gone through the same, of the five charges brought up against the private Respondent, none of the charges were found to be made out.

6. It seems that the disciplinary authority i.e. the University have accepted this enquiry report, reinstated the private Respondent who was put under suspension since they decided not to disagree with the report of the Enquiry Officer.

7. This Court finds it strange that when the disciplinary authority did not find anything amiss in relation to the charges and the findings, absolving the private Respondent of his culpability, an outsider to the system wants to challenge the enquiry report as well as the decision of the disciplinary authority and wants *de novo* independent enquiry obviously because he has an agenda behind such prayer.

8. If the University had assumed the responsibility to hold the enquiry by a person within the establishment, then there could have been some kind of a presumption that it was an effort at granting reprieve to the private Respondent or effort was made to cover up. But keeping in mind that the enquiry was outsourced to an important responsible authority who has nothing to do with the politics of union or the University, we have no reason to go behind the enquiry report or the

decision of the Respondent-University to accept the report and take follow up action.

9. The Court will not work at the dictates of a doubting Thomas or people who want a particular result, whatever be the method and methodology of an enquiry.

10. The writ application has no merit. It is dismissed. The Petitioner will deposit the cost of Rs.5,000/- within a period of four weeks from today since he has failed to establish his bonafide that the issue is required to be examined under the Public Interest Litigation and it is not a motivated petition, may be at his behest or as a pawn of interested people or a group of interested people.

Sd/-

(Ajay Kumar Tripathi)
CHIEF JUSTICE

Sd/-

(Parth Prateem Sahu)
JUDGE