

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21255 of 2018

Dr. Shashi Kant Thakur S/o of Sri Chandra Kant Thakur, R/o Flat No. 302.
Anupma Palace, Safi Alam Lane, Gola Road, P.S Danapur, District Patna.

... .. Petitioner/s

Versus

1. The Dr. Rajendra Prasad Central Agricultural University, Pusa Samastipur, Bihar through its Vice Chancellor
2. The Vice Chancellor Dr. Rajendra Prasad Central Agricultural University, Pusa Samastipur, Bihar
3. The Director (Administration), Dr. Rajendra Prasad Central Agricultural University, Pusa Samastipur, Bihar
4. The Director, Extension Education, Dr. Rajendra Prasad Central Agricultural University, Pusa Samastipur, Bihar
5. The Senior Scientist & Head Krishi Vigyan Kendra, Hariharpur, Vaishali.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Arjun Kumar
For the University	:	Mr. D.K. Sinhar, Sr. Advocate Mr. Chandra Mohan Singh

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

5 02-01-2019 The present writ application has been filed for quashing of the order dated 11.10.2018, whereby and whereunder three increments of the petitioner herein has been withheld for two years and he has been transferred to K.V.K. Sheohar from K.V.K. Hariharpur.

The learned counsel for the petitioner submits that the petitioner was not granted any opportunity of hearing nor any opportunity to show cause so that he could put forth his defence and the impugned order dated 11.10.2018 was passed behind his back. It is further submitted that according to the



Rules, no increment can be withheld without the permission of the Board.

Per contra, the learned senior counsel appearing for the University submits that full opportunity of putting forth his defence was granted to the petitioner herein inasmuch as a charge sheet dated 04.05.2016 was issued to the petitioner to which the petitioner had replied and submitted his detailed clarification vide letter dated 24.05.2016. It is further submitted that an enquiry was also held and statement of other teachers/employees of the University including the petitioner was taken and thereafter the decision was taken by the Vice Chancellor regarding infliction of the punishment by the impugned order dated 11.10.2018, hence the submission of the learned senior counsel appearing for the University is that the principles of natural justice have fully been complied with and only thereafter the impugned order dated 11.10.2018 has been passed by the order of the Vice Chancellor. However, the learned senior counsel submits that the petitioner may file an appeal before the Board of the University in case he is aggrieved by the impugned order dated 11.10.2018.

At this juncture, the learned counsel appearing for the petitioner seeks liberty to file an appeal before the full



Board of the University against the impugned order dated 11.10.2018 wherein the petitioner may also deal with the enquiry report and other materials brought on record in the counter affidavit filed by the University.

Accordingly, the present writ petition stands disposed off with liberty to the petitioner to file an appeal before the Board within a period of two weeks from today, which shall be considered by the Board and a final order shall be passed after granting an opportunity of hearing to the petitioner herein within a period of eight weeks thereafter.

(Mohit Kumar Shah, J)

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