

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 2996 of 2019

Dr. Durgasharan Chandra S/o Shri I.L. Chandra Aged About 52 Years Working As Professor, D.P. Vipra College, Bilaspur Chhattisgarh, R/o D - 259, Rama Green City, Khamtarai, Bilaspur, Police Station Sarkanda, District Bilaspur Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Principal Secretary, Department Of Higher Education, Mantralaya, Mahanadi Bhawan, Naya Raipur, Police Station Rakhi, District Raipur Chhattisgarh.
2. The Governing Body (Constituted Under Statute 28 Of College Code Of C.G. Vishwavidyalaya Adhiniyam 1973 Of D.V. Vipra College), Through The Secretary To The Governing Body Office Of Principal, D.P. Vipra College, Old High Court Road, Bilaspur Chhattisgarh.
3. D.P. Vipra College, Through, The Principal, D.P. Vipra College Old High Court Road, Bilaspur Chhattisgarh.
4. The Principal, D.P. Vipra College Old High Court Road, Bilaspur Chhattisgarh.

---Respondents

For Petitioner	:	Mr. Sunil Pillai, Advocate
For State	:	Mr. Ishan Verma, Panel Lawyer
For respective Respondents	:	Mr. Sameer Uraon, Advocate Mr. Manish Thakur, Advocate

Hon'ble Shri Justice P. Sam Koshy

Order on Board

24/04/2019

1. At the outset, counsel for the petitioner submits that the writ petition may be disposed of with a direction to the respondents No.2 to 4 to consider the representation of the petitioner wherein the petitioner has sought for revocation of suspension of the petitioner.
2. Perusal of record would show that the petitioner was placed under suspension w.e.f. 23.12.2017, as such about 1 ½ year has already been lapsed. He further submits that the petitioner was placed under suspension on an allegation made by a lady staff of the college and for

which a complaint under Section 354A read with 34 of the Indian Penal Code was registered in the Police Station Sarkanda, Bilaspur.

3. The petitioner submits that the police authorities subsequently have submitted a khatma report for closing the matter after due investigation and at the same time the college as such had not proceeded departmentally against the petitioner for the said alleged act.
4. Given the said facts, keeping in view the judgment of the Hon'ble Supreme Court in the case of "***Ajay Kumar Choudhary v. Union of India through its Secretary and Anr.***" [2015 7 SCC 291 and also taking note of the fact that the petitioner already has remained under suspension for a period of about 1 ½ year, this Court is of the opinion that let the respondents No.2 to 4 take a decision in this regard as to whether there is any further need for keeping the petitioner under suspension, when the police authorities themselves have now on due verification submitted the closure report.
5. Let the respondents No.2 to 4 take a decision in this regard within a period of 60 days from the date of receipt of the copy of this order.
6. It shall be the responsibility of the petitioner to apprise the respondents No.2 to 4, so far as the order passed by this Court is concerned.
7. With the aforesaid observations, the writ petition stands disposed off.

Sd/-
(P. Sam Koshy)
Judge

Ved