

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Appeal No. 8 of 2019**

Professor Dr. Harish Kumar S/o Late Shri Ram Singh Aged About 55 Years
 Professor, Guru Ghasidas University, Department Of Management Studies, R/o
 Mig Std-11, Laxmi Niwas Shivghat, Sarkanda, Bilaspur District Bilaspur
 Chhattisgarh.

---- Appellant**Versus**

1. The Chancellor Guru Ghasidas University, Rajbawan, Raipur District - Raipur Chhattisgarh.
2. State Of Chhattisgarh Through Secretary, Department Of Higher Education Dks Bhawan Mantralaya, Raipur District - Raipur Chhattisgarh.
3. Guru Ghasidas Vishwavidyalaya Through Registrar, Guru Ghasidas Vishwavidyalaya Koni, Bilaspur District - Bilaspur Chhattisgarh.

---- Respondents

For Appellant	: Shri Mateen Siddiqui, Advocate.
For Respondent/State	: Ms. Richa Shukla, Deputy Government Advocate.
For Respondent/University	: Shri Ashish Shrivastava, Advocate.

Hon'ble Shri Ajay Kumar Tripathi, Chief Justice**Hon'ble Shri Parth Prateem Sahu, Judge****Judgment on Board****09/01/2019****Per Ajay Kumar Tripathi, Chief Justice**

1. I.A. No.01 of 2019 has been filed to condone delay of 57 days in instituting the appeal. For the reasons indicated in the application, the same is allowed. Delay is condoned.
2. Heard counsel for the parties.
3. The Court fails to understand as to why an appeal has been preferred by the Appellant in the very first place against the order dated 13.08.2018 passed by the

learned Single Judge where he has earned substantive relief where the entire enquiry held by the Enquiry Officer is held to be bad and as a consequence, the order of punishment imposed upon him was also set aside.

4. The only other thing why the appeal could have been filed is because the learned Single Judge gave liberty to the Respondent-University authorities to act in accordance with law from the stage of appointment of an Enquiry Officer, meaning thereby that a case for complete closure of the issue was not made out.

5. Keeping in mind the principle of law and the manner, in which, the Enquiry Officer acted by including additional charges over and above the charge-sheet served by the disciplinary authority as well as violation of principles of natural justice, the learned Single Judge was correct in his view to set aside not only the finding but also the punishment which was based on the finding. However, since the charges which were initially drawn up against the Appellant cannot be ignored, the liberty which was granted to the Respondents to appoint a fresh Enquiry Officer and proceeded in accordance with law is not required to be modified and altered in any manner in the interest of administration and probity in public responsibility.

6. The appeal has no merit. It is dismissed.

Sd/-

(Ajay Kumar Tripathi)
CHIEF JUSTICE

Sd/-

(Parth Prateem Sahu)
JUDGE