

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 5341 of 2020**

Rajshree Kumbhaj W/o Nikesh Kumbhaj Aged About 36 Years Assistant Professor, B.Ed. College, D.P. Vipra College Of Education, Bilaspur, R/o Johrapara Sarkanda Police Station Sarkanda Bilaspur District Bilaspur 495001.

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Department Of Higher Education , Mantralaya Mahanadi Bhawan, Atal Nagar Raipur Chhattisgarh.
2. The Director Department Of Higher Education , Mantralaya Mahanadi Bhawan, Atal Nagar Raipur Chhattisgarh.
3. The Principal D.P. Vipra College Of Education , Koni , Bilaspur , District Bilaspur, Chhattisgarh
4. The Registrar Atal Vihari Vajpayee University, Old High Court Bilaspur Chhattisgarh
5. The Additional Collector District Bilaspur Chhattisgarh.

---- Respondents

For Petitioner	:	Mr. Shivang Dubey, Advocate
For State	:	Mr. Vivek Ranjan Tiwari, Addl. A.G. Ms. Akanksha Jain, Dy. G.A. Mr. Sudeep Verma, Deputy G.A.
For Respondent No.4	:	Mr. Ashutosh Mishra, Advocate

Hon'ble Shri Justice P. Sam Koshy
Order on Board

15/12/2020

1. The challenge in the present writ petition is the initiation of the disciplinary proceedings against the petitioner. The primary contention challenging the charge-sheet by the petitioner is on the ground that the charge-sheet at the first instance when it was issued was alleging misconduct under the Civil Services (Classification, Control & Appeal) Rules, 1966. However, when the

petitioner took an objection in respect of the applicability of the said Rules of 1966 upon the petitioner, the respondents vide Annexure P/10 dated 19.11.2020 have accepted the error of referring to the Rules of 1966 as the misconduct and have held that it would be the Rules applicable in the college, which has to be read so far as the Rules under which the disciplinary proceedings have been initiated. However, the details of the Rules or the provision of the Rules, which has been said to be violated is not disclosed, which otherwise would be mandatorily required, firstly for the petitioner to submit an effective reply to the charges and secondly for ascertaining the procedure of the disciplinary proceedings under the said Rules.

2. Given the said factual aspect as it stands taking note of the correspondence made by the Principal dated 19.11.2020, the writ petition at this juncture can be disposed directing the respondent authorities to issue clarification as to the Rules, which would be applicable and the provision of the Rules, which is said to have been violated by the petitioner before proceeding with disciplinary proceedings. If required, the respondents would also be at liberty to issue a duly constituted fresh charge-sheet specifying all these details in the charge-sheet.
3. With the aforesaid observations, the present writ petition stands disposed of.

Sd/-
(P. Sam Koshy)
Judge