

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 4432 of 2008

- Rabindra Nath Bose S/o Late Shri S.B. Bose,
aged about 48 Years, Assistant Law Officer,
Indira Gandhi Krishi Vishwavidyalaya, Krishak
Nagar, Raipur, C.G.

----- Petitioner

Versus

1. Indira Gandhi Krishi Vishwavidyalaya, Raipur,
through its Registrat Indira Gandhi Krishi
Vishwavidyalaya, Krishak Nagar, Raipur, C.G.
2. Chairman, Board of Management, Indira Gandhi
Krishi Vishwavidyalaya, Krishak Nagar, Raipur,
C.G.
3. Vice-Chancellor Indira Gandhi Krishi
Vishwavidyalaya, Krishak Nagar, Raipur, C.G.

----- Respondents

For Petitioner :- Mr. Vinod Deshmukh, Advocate.

For Respondents :- Mr. Yashwant Singh Thakur, Adv.

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

08/06/2021

1. Proceedings of this matter have been taken
up through video conferencing.

2. Learned counsel for the petitioner submits that the post of Agriculture Development Officer is converted into the post of Law Assistant by order dated 24.05.2004 and petitioner was promoted to the post of Assistant Law Officer on 20.06.2007 by the respondent-university and all of sudden by order dated 05.08.2008 vide Annexure P/1 the orders dated 24.05.2004 and 20.06.2007 both have been cancelled and petitioner has been reverted to the post of Field Extension Officer and further the excess amount has been directed to be recovered from the petitioner is ex-facie, illegal and bad in law. It is violative of principle of natural justice. Even opportunity of hearing has not been afforded to the petitioner nor copy of the inquiry report, allegedly conducted, has been served to him and he has been reverted to the post of Field Extension Officer and, as such, the impugned order deserves to be set aside.

3. Though the return has been filed on behalf of the respondent-university supporting the

action stating that the State Government has conducted the inquiry against the petitioner and found the orders dated 24.05.2004 and 20.06.2007 as illegal and, therefore, petitioner's service has rightly been reverted to the post of Field Extension Officer, therefore, petition deserves to be dismissed.

4. Mr. Yashwant Thakur, learned counsel for the respondent, submits that inquiry has been conducted against the petitioner by the State Government and thereafter the petitioner's service has been terminated by the Board of Management in its meeting dated 05.08.2008, as such, petition deserves to be dismissed.

5. I have heard learned counsel for the parties, considered their rival submissions herein-above and went through the records with utmost circumspection. It is not in dispute that the post of Agriculture Development Officer was converted into the post of Law Assistant and thereafter, by

order dated 20.06.2007 the petitioner was promoted to the post of Assistant Law Officer and on that post he has joined and working since 20.06.2007. Admittedly and undisputedly the order of promotion of the petitioner on the post of Assistant Law officer has been revoked by the respondent-university on 05.08.2008 that too without following the principles of natural justice and even without giving a minimum opportunity of defending himself, his promotional post has been taken away by the impugned order. In the matter of **Prakash Ratan Sinha vs. State of Bihar and Others**¹ the Supreme Court at paras 9 and 13 has observed as under:-

"9.The respondent is an instrumentality of the State, and therefore, all its administrative decisions would be subject to the doctrine of equality and fair play, as incorporated in Articles 14 and 21 of the Constitution of India. If any of its actions or administrative decisions result in civil consequences, the actions or decisions could be judicially reviewed or tested on the anvil of principles of natural justice. This principle of law has been laid down by this Court in catena of cases.

¹ (2009) 14 SCC 690

13. The law in this regard has been settled by several decisions of this Court. The principle that emerge from the decisions of this Court is that, if there is a power to decide and decide detrimentally to the prejudice of a person, duty to act judicially is implicit in exercise of such a power and that the rule of natural justice operates in areas not covered by any law validly made."

6. Reverting to the facts of the case in light of the principles of law laid down by the Supreme Court in the aforesaid case, in the instant case though the petitioner's promotion on the post of Assistant Law Officer has been revoked but he has not been given any opportunity of hearing and order passed by the respondent-university in the teeth of the law laid down by the Supreme Court in the case of Prakash Ratan Sinha (supra) and in the teeth of the principles of natural justice. Accordingly, the impugned order (Annexure P/1) dated 05.08.2008 is hereby quashed. However, respondents are at liberty to proceed in accordance with law. No costs.

Sd/-
(Sanjay K. Agrawal)
Judge