

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7860 of 2019

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Hari Kishore Pandey S/o late Bashishth Narain Pandey, Resident of Juran Chara, Road No. 3, P.S. Brahmapura, Distt. Muzaffarpur. Petitioner/s
Versus

1. Dr. Rajendra Prasad Central Agricultural University Pusa, Samastipur through its Registrar.
2. Vice Chancellor, Dr. Rajendra Prasad Central Agricultural University, Pusa, Samastipur.
3. Director, Administration, Dr. Rajendra Prasad Central Agricultural University, Pusa, Samastipur.
4. Comptroller, Dr. Rajendra Prasad Central Agricultural University, Pusa, Samastipur.

... .. Respondents.

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Appearance :

For the Petitioner/s	:	Mr. Shankar Kumar Thakur
For the Respondent/s	:	Mr. Arvind Ujjwal
For the University	:	Mr. Chandra Mohan Singh

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL JUDGMENT

Date : 04-03-2024

Heard Mr. Shankar Kumar Thakur, learned counsel for the petitioner, Mr. Arvind Ujjwal, learned counsel for the State as well as Mr. Chandra Mohan Singh, learned counsel for the University.

2. The petitioner has filed the present writ petition for the following reliefs:-

*(i) For quashing of order contained
in memo no.137/Ra/Pr/K/Kri/Vi/Go
dated 31.12.2018 issued by the
Registrar, Dr. Rajendra Prasad
Central Agricultural University,*



Pusa, Samastipur (hereinafter referred to as “the University”), whereby and whereunder the petitioner has been inflicted with punishment of withholding of one increment for two years under Rule 11 of the CCS(CCA) Rules, 1965.

(ii) Further for quashing of the appellate order issued by the Deputy Registrar (Estt.) under the orders of the Vice Chancellor, Dr. Rajendra Prasad Central Agricultural University, Pusa, Samastipur whereby and whereunder the appeal filed by the petitioner against the order of punishment has been rejected and the penalty has been modified from withholding of increment for two years to penalty of reduction to a lower stage in the time scale of pay by one stage only till 30.05.2019 without cumulative effect.



(iii) For also direction to the Respondents to immediately for payment of full salary for the period of suspension from 01.03.2018 to 31.12.2018 (petitioner not paid subsistence allowance during suspension period) as the petitioner has not been gainfully employed in any other work as required under Allowance vide rule FR-53(2) of the CCS (CCA) Rules, 1965.

(iv) Any other relief that the petitioner may be found to be entitled to in the facts and circumstances of the present case.

3. Learned counsel for the petitioner submits that the Registrar of the University has no power to pass order as per Rule-5 of the Rajendra Prasad Central Agricultural University, PUSA. According to the said Rule-5, “the appointment Authority for the post of Group A shall be under the Board of Management and for the post of Group B and C, it shall be under the authority of Vice Chancellor”. Therefore, the registrar



has no power to pass an order (Annexure-14 of the writ application). He further submits that the petitioner has wrongly filed an appeal before the Vice Chancellor (Annexure-16), therefore, the Vice Chancellor had not passed any order in the said appeal.

4. Considering the facts and circumstances of the case and in the interest of justice, I set aside the Annexure-14 and Annexure-16 to the writ application and remanded back it to the University to pass an appropriate order in accordance with law.

5. Accordingly, this writ application is disposed of.

(Anjani Kumar Sharan, J)

shikha/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	
Transmission Date	NA

