



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

WRIT PETITION NO. 1506 OF 2024

Subhash Choudhary,
Aged about 60 years, Occu. Vice-
Chancellor (Suspended), Rashtrasant
Tukdoji Maharaj Nagpur University
R/o. Premises of Nagpur University,
Nagpur.

.... **PETITIONER.**

// VERSUS //

1. State of Maharashtra,
Through its Secretary,
Department of Higher and
Technical Education,
Mantralaya, Mumbai-32.
2. The Hon'ble Chancellor,
Rashtrasant Tukdoji Maharaj
Nagpur University, Nagpur,
Office of the Chancellor,
Raj Bhavan, Mumbai.

.... **RESPONDENTS.**

Shri Sunil Manohar, Sr. Advocate a/b Shri A.S.Manohar, Advocate for Petitioner.
Shri Birendra Saraf, Advocate General a/b Shri D.V.Chauhan, G.P. for Resp No.1.
Shri S.P.Dharmadhikari, Sr.Adv. a/b.Shri D.V.Chauhan, G.P. for Respondent No.2

CORAM : **ANIL S. KILOR AND**
 SMT. M.S.JAWALKAR, JJ.

DATE OF RESERVING THE JUDGMENT : 04/03/2024
DATE OF PRONOUNCING THE JUDGMENT: 14/03/2024

JUDGMENT : (Per : Anil S. Kilor, J)

1. Heard.
2. **RULE.** Rule made returnable forthwith. Heard finally by consent of the learned counsel for the parties.
3. The order dated 21/02/2024 issued by the respondent No.2- Hon'ble Chancellor suspending the petitioner as Vice Chancellor of Rashtrasant Tukdoji Maharaj Nagpur University, Nagpur is under challenge in this writ petition.

The brief facts of the present case are as under:

4. The petitioner was appointed as Vice-Chancellor of the Rashtrasant Tukdoji Maharaj Nagpur University, Nagpur (hereinafter referred to as "Nagpur University") under Section 11 of the Maharashtra Public Universities Act, 2016 (hereinafter referred to as "the Act of 2016") vide appointment order dated 08/08/2020 issued by the respondent No.2.

5. The State of Maharashtra, on receipt of certain complaints against the petitioner's office, initiated an enquiry by appointing an Enquiry Committee consisting of the Deputy Secretary, Department of Higher and Technical Education and the Joint Director, Higher Education, Nagpur Division, Nagpur.

6. Then, the report of the enquiry was served upon the petitioner with covering letter dated 17/10/2022 seeking compliance of the alleged irregularities stated in it, within one month.

7. Thereupon, a compliance report was submitted along with covering letter dated 27/12/2022, by the petitioner to the Government.

8. Thereafter, the respondent No.2 issued a show cause notice to the petitioner, thereby calling him to tender his explanation why the enquiry should not be initiated against him under the provisions of Section 11(14) of the Maharashtra Public Universities Act, 2016, along with covering letter dated 10/05/2023.

9. The petitioner accordingly submitted his explanation in detail on 15/06/2023, pointing out that, the alleged illegal decisions

were taken on the basis of the resolution passed in the meetings of the Management Council and Academic Council and there was no decision taken by the petitioner in isolation and hence, no charge against the petitioner survives. The petitioner, therefore, prays for dropping of the enquiry.

10. Thereupon, the petitioner was heard in pursuance to the show cause notice dated 10/05/2023 by the respondent No.2 and issued the impugned order dated 21/02/2024 suspending the petitioner from the post of Vice Chancellor of the Nagpur University with immediate effect and further intimating the decision to conduct enquiry against the petitioner.

11. In the meantime, on 30/08/2023 Uniform Statute No.4 of 2023 came into force, prescribing the terms and conditions of service of the Vice Chancellor of the Universities in the State of Maharashtra. The petitioner while raising challenge to the impugned order dated 21/02/2024, alleging a non-compliance of the provisions of Uniform Statute No.4 of 2023.

12. We have heard Shri Sunil Manohar, learned Senior Advocate for the petitioner, Shri Birendra Saraf, learned Advocate General assisted by Shri D.V.Chauhan, learned Government Pleader for the respondent No.1-State of Maharashtra and Shri S.P.Dharmadhikari, learned Senior Advocate for the respondent No.2-Chancellor.

13. Shri Manohar, learned Senior Advocate makes following submissions:

- i) The impugned order dated 21/02/2024 issued by the respondent No.2-Chancellor suffers from non-compliance of the principles of natural justice.
- ii) The impugned order was passed without following the procedure prescribed under the Uniform Statute No.4 of 2023;
- iii) Without conducting preliminary enquiry and without forming an opinion on the basis of the report of such preliminary enquiry as regards conduct of full-fledged enquiry, issuance of order of suspension is illegal.
- iv) The preliminary enquiry may be dispensed with only in case of exigent situation. There was no such exigent situation present in the matter at hand and therefore, the impugned

order issued, without conducting preliminary enquiry, is contrary to the Uniform Statute.

- iv) The State Government has no role in the appointment or removal of the Vice Chancellor under Section 11 of the Act of 2016. Therefore, any enquiry conducted by the State Government cannot be considered and treated as preliminary enquiry conducted under the Uniform Statute No.4 of 2023.
- v) As there is no role of Government in appointment or removal of the petitioner, the enquiry conducted by the Government against the petitioner was without jurisdiction and authority.
- vi) When a specific power and procedure is prescribed under the Uniform Statute of 2023 for removal or suspension of the Vice Chancellor, any removal or suspension in deviation of the same is illegal.

14. On the other hand, the learned Advocate General appearing on behalf of the respondent No.1 argues as under:

- a) The Uniform Statute is the enabling provision. The dispensation of the Preliminary Enquiry depending on the exigency of the situation would always mean the situation

based on the requirement and the circumstances. Therefore, the decision of the Hon'ble Chancellor to conduct the full-fledged enquiry against the petitioner on the basis of enquiry report of the Committee constituted by the Government and during the enquiry he shall be put under suspension, is just and proper.

- b) The principles of natural justice were followed. At three stages the petitioner got the opportunity to make his submissions. First stage when the petitioner has submitted his compliance report to the Government; second stage when the explanation was submitted to the respondent No.2, to the show cause notice dated 10/05/2023 and on third occasion when the hearing was granted to the petitioner before issuing the impugned order.
- c) The Government received complaints against the petitioner, whereupon, the enquiry was conducted by the Enquiry Committee consisting of the Deputy Secretary, Higher and Technical Education Department, Government of Maharashtra and the Joint Director (Higher Education), Government of Maharashtra, Nagpur Region. Hence, there was sufficient material available with the respondent No.2 to form an opinion to conduct full-fledged enquiry. Thus, it cannot be said that, there is no compliance of the provisions of the Uniform Statute.

- d) At the time of hearing before the respondent No.2 no grounds were raised as argued in the present writ petition.
- e) The charges against the petitioner are serious, which also include misappropriation of funds in crores of rupees. It is submitted that the power to remove includes power to suspend and therefore, considering the serious charges, the suspension is just and proper.
- f) The suspension is made considering the fact that the witnesses are the employees of the University and if the petitioner is allowed to continue during the full-fledged enquiry, it is not possible to conduct it in a free and fair manner.
- g) In absence of any case made out by the petitioner that, what prejudice has caused to the petitioner in absence of a preliminary enquiry independently conducted by the Hon'ble Chancellor, interference in the impugned order is unwarranted. The learned Advocate General in support of his submission, has relied upon the judgment of the Hon'ble Supreme Court of India in the case of *State Bank of Patiala ..vs.. S.K. Sharma*, reported in (1996)3 SCC 364.
- h) Once a detailed enquiry report is on the record there is no requirement to conduct another enquiry or to have another report on the same charges.

15. Shri S.P.Dharmadhikari, learned Senior Advocate argued as under :

- i) The power to remove the Vice Chancellor is vested in the Hon'ble Chancellor under Section 11(14) of the Act of 2016 which also include power to suspend the Vice Chancellor. Hence, there is no illegality committed by the respondent No.2 in suspending the petitioner. For this purpose, he has placed reliance on the judgment of the Hon'ble Supreme Court of India in the case of *Balvantray Ratilal Patel ..vs.. State of Maharashtra*, reported in **1967 SCC OnLine SC 11** and *Ram Lakhan ..vs.. Presiding Officer*, reported in **(2000) 10 SCC 201**.
- ii) The purpose of preliminary enquiry is to determine whether a *prima-facie* case for holding full-fledged enquiry is made out. In the present matter, since the report of the Enquiry Committee appointed by the Government was on record to form such opinion, another enquiry under the Uniform Statute is not required. For this purpose he has placed reliance on the judgment of the Hon'ble Supreme Court of India in the case of *Champaklal ..vs.. Union of India*, reported in **AIR 1964 SC 1854**.
- iii) In the case of suspension, the Court should not normally interfere with the order or to stay the suspension order unless the order is *mala fide*. For this purpose, he has placed

reliance on a judgments of the Hon'ble Supreme Court of India in the case of *U.P. Rajya Krishi Utpadan Mandi Parishad ..vs.. Sanjiv Rajan*, reported in **1993 Supp (3) SCC 483** and *Public Service Tribunal Bar Association ..vs.. State of U.P.*, reported in **AIR 2003 SC 1115**.

16. In light of the rival submissions, we have perused the record and the impugned order. The facts emerge from record as admitted facts are as follows :

- a) The petitioner was appointed on 08/08/2020 as Vice Chancellor of Nagpur University for a term of five years or till he attains the age of 65 years, whichever is earlier.
- b) In pursuance to certain complaints as regards the delay in declaring the results and in respect of certain other irregularities, an enquiry committee was constituted by the respondent No.1 State of Maharashtra, consisting of the Deputy Secretary, Higher and Technical Education and Joint Director (Higher Education).
- c) The said Enquiry Committee submitted its preliminary report. Thereupon, an explanation was sought by the Principal Secretary, State of Maharashtra from the petitioner, which was submitted on 27/12/2022 by the petitioner.

- d) The respondent No.2 called the explanation from the petitioner on the charges based on the said enquiry report, vide show cause notice dated 10/05/2023. The explanation to which was submitted by the petitioner on 15/06/2023.
- d) The Uniform Statute No.4 of 2023 prescribing the terms and conditions of the service of the Vice Chancellor of the University came into force w.e.f. 30/08/2023 i.e. before issuance of the impugned order of suspension.
- e) The impugned order dated 21/02/2024 was issued by the respondent No.2 suspending the petitioner as Vice Chancellor of the Nagpur University.

17. From the above referred admitted facts, it is evident that on the date of issuance of the order of suspension dated 21/02/2024 the Uniform Statute No.4 of 2023 was in force. Hence, the question, which falls for consideration is, whether the suspension of the petitioner is in consonance with the provisions of the Uniform Statute No.4 of 2023?

18. To answer the above referred question, it would be beneficial to refer to the relevant provisions of the Uniform Statute, which reads thus :

“3.Procedure for Removal of Vice-Chancellor.-

The Vice-Chancellor may be removed from his office by the Chancellor on the grounds provided in sub-section (14) of

section 11 of the Maharashtra Public Universities Act, 2016 (Mah. VI of 2017) (hereinafter referred to as “the said Act”). Before taking recourse for removal of the Vice-Chancellor under clauses (d), (e) or (f) of sub-section (14) of section 11 of the said Act, the procedure specified hereinafter shall be followed :-

(1) Preliminary Inquiry.-

(a) The Chancellor may suo motto or on receipt of any reference from the State Government or any complaint from any person, is of the opinion that there is prima facie case for taking recourse for removal of the Vice-Chancellor under clauses (d), (e) or (f) of sub-section (14) of section 11 of the said Act, he may cause a preliminary inquiry to be conducted to ascertain whether there is any substance in the case for initiating any action for removal of the Vice-Chancellor:

Provided that, the Chancellor shall have the discretion for dispensing with the requirement of preliminary inquiry, depending on the exigency of the situation and he may directly cause a detailed inquiry to be conducted.

(b) The Chancellor may, by an order, appoint any officer, not below the rank of Deputy Secretary to Government, to be an Inquiry Officer to conduct such preliminary inquiry.

(c) The Inquiry Officer shall, after conducting preliminary inquiry in the matter as he deems fit, prepare his report and submit the same to the Chancellor, within such time as may be specified by the Chancellor.

(d) If it is found in the preliminary inquiry that, there is a prima facie case for taking recourse for removal of the Vice-Chancellor, the Chancellor shall by a written notice, require the Vice-Chancellor to submit his explanation, in writing, in respect of the allegations made against him, within such time as may be specified in the notice.

(e) If the Vice-Chancellor admits the allegation made against him in the preliminary inquiry, the Chancellor shall make an order of removal of the Vice-Chancellor.

(f) If the Vice-Chancellor does not admit the allegations made against him, a full-fledged detailed inquiry shall be conducted:

Provided that, the Chancellor may, if he deems fit suspend the Vice-Chancellor during the period of such detailed inquiry, by an order in writing after recording reasons

therefor, for such period as may be specified in such order. The Chancellor may extend the period of suspension from time to time:

Provided further that, the Vice-Chancellor shall be given an opportunity of being heard, before passing any such order of suspension. ...”

19. It is evident from the language of Clause No.3 of the Uniform Statute that following procedure is to be followed before taking recourse for removal of the Vice-Chancellor under Clauses (d), (e) or (f) of Section 11(14) of the Act of 2016 :

- i) The first step is to form an opinion that there is *prima facie* case for taking recourse for removal of Vice Chancellor under Clauses (d), (e) or (f) of Section 11(14) of the Act of 2016, *suo motu* or on receipt of any reference from the State Government or any complaint from any person.
- ii) Then, to cause a Preliminary Enquiry, to ascertain whether there is any substance in the case of initiating any action for removal of the Vice-Chancellor.
- iii) On receiving the report of the Preliminary Enquiry if it is found that there is a *prima-facie* case for taking recourse for removal of the Vice-Chancellor, he shall be served with a notice calling his explanation in writing in respect of the allegations made against him.

- iv) On admission of such allegation the Hon'ble Chancellor shall make an order of removal of the Vice-Chancellor and in case of disputing the allegation the full-fledged enquiry shall be conducted.
- v) During the full-fledged enquiry, if the Hon'ble Chancellor may deems fit, by an order in writing after recording reasons may suspend the Vice-Chancellor.
- vi) There is an exception to directly cause a detailed enquiry to be conducted, i.e. by way of exercising the discretion by the Chancellor to dispense with the requirement of the preliminary enquiry depending on the exigency of the situation.

20. After pondering upon the relevant provisions of the Uniform Statute, let us now, move to the facts of the case at hand.

21. In the present matter, the initiation of the proceeding by the Respondent No.2 for removal of the petitioner under Section 11(14) of the Act of 2016, was not *suo motu* or on any complaint by a person to the Chancellor, but it was at the instance of the Government and therefore, it can be said that the action was initiated by the respondent No.2 on a reference by the State Government.

22. Admittedly, after forming a *prima facie* opinion by the respondent No.2 on the basis of the enquiry report of the Enquiry Committee constituted by the Government for taking recourse for removal of the Vice Chancellor, no preliminary enquiry was conducted to ascertain whether there is any substance in the case for initiating any action for removal of the Vice Chancellor by appointing any officer below the rank of Deputy Secretary to the Government to be an Enquiry Officer.

23. The contention of the respondent No.2 is that once there is a report of the enquiry committee constituted by the Government, there is no requirement of another report on the same charges. This argument cannot be accepted for the simple reason that such report can at the most be considered for making a reference to the respondent No.2 and such report may be the basis for the respondent No.2 to form an opinion that there is a *prima facie* case for taking recourse for removal of Vice Chancellor.

24. However, on formation of such opinion, it is mandated under the Uniform Statute, to conduct the preliminary enquiry to ascertain whether there is a substance in the case of initiation of any

action for removal of the Vice Chancellor. Admittedly, no preliminary enquiry was conducted in this case.

25. It is well settled law that where the statute provides for a thing to be done in a particular manner, then it has to be done in that manner and in no other manner.

26. In the circumstances, for no reason the enquiry conducted by the Government can be equated with the preliminary enquiry prescribed under the Uniform Statute to ascertain whether there is any substance in the case of initiating any action for removal of the Vice-Chancellor.

27. Moving further the submissions of the learned Advocate General that the exigency not always urgency but, the present requirement and the circumstances. To test this argument, we have gone through the definition of “Exigency” which means, the present necessity, sudden and unexpected happening.

28. Further “Exigent Circumstance” would mean that situation that demand unusual and immediate action.

29. In the matter at hand the enquiry report prepared by the Enquiry Committee constituted by the Government was submitted to the Chancellor on 26/09/2022. Thereafter on lapsing of a period of more than seven months, the show cause notice was issued by the respondent No.2 to the petitioner, on 10/05/2023, calling explanation from the petitioner which was submitted by the petitioner on 15/06/2023. Then, on 21/02/2024 the decision was communicated to the petitioner as regards his suspension with an intimation as regards decision to conduct a detailed enquiry into the matter.

30. Thus, from the submission of the preliminary enquiry report by the Enquiry Committee appointed by the State Government to the Hon'ble Chancellor on 26/09/2022, it took almost 17 months to put the petitioner under suspension and to take a decision to conduct full-fledged enquiry against the petitioner.

31. Hence, it cannot be said that any urgency or exigency of the situation is shown in the present matter to exercise the discretion by the Chancellor to dispense with the preliminary enquiry under the Uniform Statute. It is imperative to mention such exigency of the situation if the

Chancellor wants to exercise discretion to dispense with the preliminary enquiry.

32. In the present matter, there is no mention of any such exigency to dispense with the preliminary enquiry in the impugned order. In the circumstances, the contention of the learned Advocate General that, it is a demand of the present situation, cannot be accepted.

33. There is no dispute about the law laid down by the Hon'ble Supreme Court of India in the case of *Balvantray Ratilal Patel* (supra) and *Ram Lakhan* (supra), that, suspension is an inherent power and implicit in the power of removal. However, when the Uniform Statute prescribes the terms and conditions of Service of the Vice Chancellor of the University, which contains a specific power of suspension, there is no need to imply in this case of having such inherent power of suspension in the power of removal.

34. Moreover, there is no dispute involved in the matter at hand, whether the Hon'ble Chancellor possesses the power to suspend the petitioner. Hence, the judgments in the case of *Balvantray Ratilal*

Patel (supra) and *Ram Lakhan* (supra) cited by the respondents, are of no assistance to the respondents.

35. In the case of *U.P. Rajya Krishi Utpadan* (supra) the Hon'ble Supreme Court of India has held thus :

“10. We find from the charge-sheet that the allegations against the first respondent are grave inasmuch as they indicate that the amounts mentioned therein are not deposited in the bank and forged entries have been made in the passbook of the relevant accounts and the amounts are shown as having been deposited. In the circumstances, the High Court should not have interfered with the order of suspension passed by the authorities. The Division Bench has given no reason for upholding the learned Single Judge's order revoking the suspension order. In matters of this kind, it is advisable that the concerned employees are kept out of mischief's range. If they are exonerated, they would be entitled to all their benefits from the date of the order of suspension. Whether the employees should or should not continue in their office during the period of inquiry is a matter to be assessed by the authority concerned and ordinarily, the Court should not interfere with the orders of suspension unless they are passed mala fide and without there being even a prima facie evidence on record connecting the employees with the misconduct in question. In the present case, before the preliminary report was received, the Director was impressed by the first respondent-employee's representation. However after the report, it was noticed that the employee could not be innocent. Since this is the conclusion arrived at by the management on the basis of the material in their possession, no conclusions to the contrary could be drawn by the Court at the interlocutory stage and without going through the entire evidence on record. In

the circumstances, there was no justification for the High Court to revoke the order of suspension.”

36. In *Public Services Tribunal Bar Association* (supra) the Hon’ble Supreme Court of India has held thus :

“40. ... An employee is not left without any remedy. Judicial review of an order regarding jurisdiction of the Tribunal is barred would be available by approaching the High Court by filing petition under Art. 226 or 227 of the Constitution of India. In an extreme and rare case where the order is passed mala fide or without following the procedure under the law then the employee can certainly approach the High Court under Art. 226 of the Constitution for the interim relief. The High Court in such an extreme and rare case may in its wisdom stay the operation of the said order. In the case of suspension, reduction in rank or reversion the relationship of employer and employee remains. Normally, the suspension is made during a contemplated or a pending enquiry. During the suspension period the employee is entitled for the suspension allowance. ...”

37. From the above referred observations, it is evident that whether the employees should or should not continue in their office during the period of inquiry is a matter to be assessed by the authority concerned, and ordinarily, the Court should not interfere with the orders of suspension unless they are passed *mala fide* and without there being even a *prima facie* evidence on record connecting the employees with the

misconduct in question or in a case the suspension is without following the procedure under the law.

38. Undisputedly, though it is mandated under the Uniform Statute that while suspending the Vice-Chancellor during the period of the detailed enquiry, reasons in writing shall be recorded, in the matter at hand no reasons are recorded in the impugned order for suspension.

39. It is apparent from the impugned order that till the last para of the impugned order which is the operative part of the order, the facts namely the constitution of the Committee by the State Government, submission of the report by the Committee, an opportunity given to the petitioner to submit his reply then grant of an opportunity of hearing to the petitioner, are mentioned along with the relevant provisions of the Uniform Statute and the fact that the petitioner remained present for hearing on 21/02/2024 before the Chancellor to submit his say.

40. However, no reasons are recorded, more particularly the reasons stated by the Respondent Nos. 1 and 2 during the course of argument that if the petitioner continued on the post of the Vice

Chancellor during the enquiry, it is not possible to hold free and fair enquiry as the employees of the University are the witnesses.

41. The learned Advocate General and learned Senior Advocate Shri Dharmadhikari have tried to convince this Court that para 2 of the impugned order states the reasons for suspension of the petitioner. The said argument cannot be accepted for the reasons recorded herein below. For the above referred purpose, it is relevant to refer to the said para, which reads thus :

“Whereas, it is proved prima-facie that the Vice Chancellor has not acted as per the law and statutes in the preliminary enquiry conducted by the state government through a committee of Deputy Secretary, Higher & Technical Education Department and Joint Director, Higher Education, Nagpur Division, Nagpur.”

42. From the said para it can only be said that it is in compliance of the first part of sub-clause (1)(a) of Clause 3 of the Uniform statute which requires the Hon'ble Chancellor to form an opinion by the Chancellor on the basis of the reference from the State Government that, there is a *prima-facie* case for taking recourse for removal of the Vice-Chancellor. But, at any stretch of imagination the said para cannot be considered as the reasons for suspension of the

petitioner during the enquiry, in compliance with the proviso to sub-clause (1) (f) of Clause 3 of the Uniform Statute. Hence, we have no hesitation to hold that there is no compliance of the proviso to sub-clause (1)(f) of clause 3 of the Uniform Statute.

43. We are conscious that, suspension is temporary deprivation of office and its privileges and a person does not lose his office, status or position, but his power, function and privileges remain in abeyance. Suspension does not amount to any lowering down or reduction of rank or status. However, suspension may cause a long lasting damage to the person's reputation particularly in a case like the present one where the petitioner is holding a high position, even if he is exonerated or is ultimately found of minor misconduct. Therefore, such decision should be taken after taking all factors into account with care and not in a casual manner ignoring the procedure under the law.

44. Furthermore, though there is no mention in the impugned order that the suspension of the petitioner is necessary otherwise free and fair enquiry is not possible for the reason that the witnesses are the employees of the University, is considered on merit. We do not find any

substance in the said argument as well, for the reason that in the List of Witnesses, submitted by the Chancellor along with the show cause notice, dated 10/05/2023, there is only one employee of the University, who is the Accounts and Finance Officer, at Sr. No.4 of the List of Witnesses. Whereas, the other five witnesses are not the employees of the University. The witness Nos. 5 and 6 are the outsiders and the Witness Nos.1, 2 and 3 are the then members of the Management Council of the University. In the circumstances, the said argument also cannot be accepted and accordingly it is rejected.

45. The judgment cited by the learned Advocate General in the case of *State Bank of Patiala* (supra) relates to cases where the enquiry is not governed by any Rule, Regulations, Statutory Provision and only application is to observe the principles of natural justice. Whereas, in the present matter at hand there is a Uniform Statute which prescribes procedure for removal and for suspension of Vice Chancellor. In the circumstances, this matter needs to be looked at from the standpoint of the compliance of prescribed procedure.

46. The judgment in the case of *Champaklal Chimanlal Shah* (supra) is of no help to the respondent No.2 as the purpose of preliminary enquiry is specifically stated in the Uniform Statute and since it is held that the enquiry conducted by the State Government who has no role in the appointment or removal of the Vice-Chancellor cannot be equated with the preliminary enquiry contemplated under the Uniform Statute.

47. In the circumstances, having held that the procedure as prescribed under the Uniform Statute has not been followed in the case of the petitioner before issuing the impugned order, suspending the petitioner, we pass the following order:

- i) The Writ Petition is allowed.
- ii) The impugned order dated 21/02/2024 issued by Respondent No.2-Chancellor is hereby quashed and set aside.

Rule is made absolute in the above terms. No order as to costs.

(SMT. M.S.JAWALKAR, J)

(ANIL S. KILOR, J)

At this stage, the learned Government Pleader Shri Deven Chauhan prays to keep the judgment in abeyance for four weeks, to which Shri Atharva Manohar, learned counsel for the petitioner strongly opposed.

However, considering the fact that the charge of the petitioner is already with the acting Vice Chancellor, we are of the opinion that no prejudice will be caused to the petitioner if the judgment is kept in abeyance for four weeks.

Hence, the judgment shall be kept in abeyance for four weeks from today, thereafter, it would come into force automatically.

(SMT. M.S.JAWALKAR, J)

(ANIL S. KILOR, J)