



2024:DHC:1029



* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
% Judgment reserved on: 05.02.2024
Judgment pronounced on: 12.02.2024
+ W.P.(C) 5498/2019 & CM APPL. 24142/2019, CM APPL.
24934/2019

DR. AJAY GUDAVARTHY Petitioner

versus

JAWAHARLAL NEHRU UNIVERSITY Respondent

Advocates who appeared in this case:

For the Petitioner : Mr. Arun Sri Kumar and Ms. Neha,
Advocates

For the Respondent : Ms. M. Sahu, Mr. Sandeep Kumar and
Mr. Tribhuvan, Advocates

CORAM:
HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

JUDGMENT

TUSHAR RAO GEDELA, J.

[The proceeding has been conducted through Hybrid mode]

1. The present petition has been filed under Article 226 of the Constitution of India, *inter alia*, seeking the following reliefs:-

“a) Issue a writ of certiorari, or any other suitable writ, order or direction, to quash the Show Cause Notice dated 27th September 2018 bearing no. Acad.I/SSS/I(396) issued by the Respondent University (under signature of its Registrar) to the Petitioner and all consequential actions of the Respondent University;

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By: VINOD KUMAR
Signing Date: 13.02.2024
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W.P.(C) 5498/2019

Page 1 of 20



- b) Issue a writ of declaration, or any other suitable writ, order or direction, to clarify that the existing Leave Ordinance (Ordinance No.3: Ordinance for Regulating Leave to Teachers of the University, forming part of the Academic Ordinances) of the Respondent University does not require faculty members to seek the prior leave of the Vice-Chancellor/Rector of the University for foreign travel during vacation periods of the University;*
- c) Consequently, issue a writ of certiorari, or any other suitable writ, order or direction, to quash the Circular dated 30th November 2018 bearing no. Acad.I/2018 issued by the Respondent University under signature of its Registrar;*
- d) Issue a writ of declaration, or any other suitable writ, order or direction, to quash the decision of the 277th Meeting of the Executive Council of the Respondent University dated 20th November 2018 to the extent that it directs that disciplinary action be initiated against the Petitioner for alleged violation of the University's leave rules;*
- e) Issue a writ of declaration, or any other suitable writ, order or direction, to quash the resolution of the 278th Meeting of the Executive Council of the Respondent University dated 15th February 2019 to the extent that it recommends imposition of 'major penalty' on the Petitioner and also purports to recommend initiation of disciplinary proceedings under CCS (CCA) Rules against the Petitioner;*
- f) Issue a writ of mandamus, or any other suitable writ, order or direction, directing the Respondent University to forthwith release the amount of INR 5,50,000/- that has been received by it from ICSSR for the Petitioner's use, as well as any other funds received by Respondent University on account of the Petitioner from ICSSR which the Petitioner may not be aware of, along with interest at 18% p.a. to be computed from 22nd June 2018 until date of disbursement;*
- g) Issue a writ of mandamus, or any other suitable writ, order or direction, to the Respondent University, to produce all relevant records available in its custody in relation to the Petitioner's application dated 12th June 2018;*
- h) Grant the Petitioner compensation for the violation of his rights under Article 21, 14 and 19(1)(g) of the Constitution of India in any suitable sum;*
- i) Grant such other and further reliefs, including the costs of this petition, as this Hon'ble Court deems fit in the circumstances of this case, and in the interests of justice and equity."*



2024:DHC:1029



2. The facts as narrated in the petition are as under:-
- (i) It is the case of the petitioner that the petitioner is an Associate Professor in the Centre for Political Studies, School of Social Sciences, at Jawaharlal Nehru University.
 - (ii) In the year of 2016, the petitioner was sanctioned a grant of Rs. 27,00,000/- by the Indian Council of Social Science Research (hereinafter referred to as "ICSSR") to undertake fieldwork in three foreign countries and to submit a study report on the topic "*Democracy and Post-Civil Society in Global Politics*".
 - (iii) The petitioner submitted that the funds granted to him are disbursed in tranches by ICSSR to the respondent/ University and the respondent/ University should release the funds to the petitioner as and when required based on his utilization.
 - (iv) The petitioner had sent a letter dated 12.06.2018 to the Competent Authority i.e., Project (Admn.) Cell, JNU, requesting for disbursement of a sum of Rs. 5,50,000/- from the ICSSR grant sanctioned to him for the purpose of his travel to Brazil for fieldwork for the project in end June/ early July during the summer vacation at the respondent/ University.
 - (v) It is the case of the petitioner that he was orally informed by the Project (Admn.) Cell that the Vice-Chancellor (hereinafter referred to as "VC") of the respondent-



2024:DHC:1029



University had approved petitioner's application for release of funds made on 12.06.2018 and the petitioner was not informed of any additional requirement to obtain leave or permission, or to await any 'Office Order' granting such leave.

- (vi) It is stated by the petitioner that he had sent an email to the Chairperson, Centre for Political Studies, JNU, (hereinafter referred to as "CPS") confirming his travel to Brazil until 19.07.2018.
- (vii) The petitioner submitted that file noting bearing reference no. PAC-SSS-AG-ICSSR-02160118-932 has been initiated by a Section Officer of the Project (Admn.) Cell, JNU seeking action by the Deputy Registrar (Academic) against the petitioner on the basis of an alleged "note" made by the VC on the petitioner's application dated 12.06.2018 stating *"Faculty members cannot leave the country before the University issues the officer order for such a leave"*, at the time of granting his approval for the fund disbursement request. It is also the case of the petitioner that he was never informed of the VC's alleged note or this File Noting.
- (viii) It is the case of the petitioner that on 27.09.2018, after his return from Brazil to India on 19.07.2018, when the Monsoon Semester at the respondent/ University has commenced, he has been issued a 'Show Cause Notice' by the Registrar of the respondent/ University which referred to



2024:DHC:1029



petitioner's application for disbursement of funds dated 12.06.2018 as a 'request for duty leave' that allegedly reached the Academic Branch of the respondent/ University only on 18.07.2018. An explanation was sought from the petitioner for leaving country without taking prior permission from the Competent Authority.

- (ix) The petitioner stated that he had issued his response to the show cause notice on 18.10.2018.
- (x) It is the case of the petitioner that it was observed in the 277th Meeting of the Executive Council (hereinafter referred to as "EC") of the respondent/ University dated 20.11.2018 that petitioner's response to the show cause notice was "*not found satisfactory*", and it was decided to initiate appropriate disciplinary action against the petitioner for alleged "violation of leave rules". Three members of the EC dissented from his decision.
- (xi) It is the case of the petitioner that on 30.11.2018, pursuant to another EC decision taken on 20.11.2018 for the issuance of a specific circular to clarify the Leave Rules, a circular no. Acad.I/2018 was issued by the respondent/ University stating that "*...as per the rules students, staff and faculty must obtain prior approval before leaving the country. It is applicable even during the vacation period.*"
- (xii) The petitioner stated that email dated 09.01.2019 was sent by him to the Vice-Chancellor of the respondent/ University



2024:DHC:1029



seeking approval for processing of his pending bills in relation to the ICSSR project. Also, the petitioner submitted that email dated 22.01.2019 was sent by ICSSR to the petitioner and the respondent/ University requiring the petitioner to file his final report including fund utilisation certificate.

- (xiii) It is the case of the petitioner that on 15.02.2019, a “three-member committee” had been set up by the respondent/ University in its 278th meeting of EC to examine the petitioner's case. The EC decided to itself impose “*major penalty*” on the petitioner for purported “violation of leave rules”.
- (xiv) It is the case of the petitioner that no formal communication/ notice was received by the petitioner during the period from Feb till May 2019 regarding any EC decision or any other disciplinary action proposed against him by the respondent/ University. He also submitted that he was only aware of the proceedings at the EC meetings through informal sources. Hence, the petitioner filed the present petition.

CONTENTIONS OF THE PETITIONER

3. Mr. Arun Sri Kumar, learned counsel appearing for the petitioner submits that the challenge by the petitioner in the present petition is two folds, in that, the allegation against the petitioner in the first instance is

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By: VINOD KUMAR
Signing Date: 13.02.2024
12:14:22

W.P.(C) 5498/2019

Page 6 of 20



that the petitioner had not taken leave in accordance with the Academic Ordinances of the year 2016 (hereinafter referred to as “*The Ordinance*”) of the respondent-University and Statutes and in the second instance the unauthorized absence during the vacation period for not having obtained the leave permission from the VC who was the Competent Authority in respect of sanctioning Leave to Teachers of the respondent-University for visiting abroad.

4. Learned counsel submits that there is no disciplinary action initiated by the respondent-University against the petitioner in respect of the first instance, however, the disciplinary proceedings were initiated against the petitioner in respect of the second instance as narrated above regarding unauthorized absence on account of not having obtained permission for such leave.

5. In order to support his contention regarding whether leave itself was required to be obtained by the petitioner from VC is concerned, learned counsel refers to the kinds of leave as stipulated in the Statute 3 of the aforesaid Ordinance. According to learned counsel the types of leave admissible are very clearly mentioned in the Ordinance as also the vacation period is stipulated in terms of Clause 17 of the said Ordinance. Reading sub-Clause (i) with sub-Clause (iii) of Clause 17, learned counsel submits that the distinction between what would comprise leave and what would be vacation is clearly drawn out in the said Clause. He submits that the petitioner was under no obligation of the respondent/ University or even the VC for obtaining any kind of leave during the vacation period. Learned counsel submits that in case “leave” and



“vacation” were to be interchangeably used, there would be no reason why the Ordinance would stipulate two different clauses for the same term. He submits that the every term of a Statute or an Ordinance has to be read in the context that it is so worded, as also the context in which the purport of such Clause has to be applied.

6. Further, to his aforesaid submission, learned counsel submits that for the relevant year, i.e, 2017-2018 the Semester and Vacation period was clearly stipulated and there is no dispute on that. In that, the summer vacation was to commence on 13.05.2018 through till 21.07.2018. Having regard to the period of summer vacation, learned counsel submits that the petitioner had visited Brazil in respect of his second leg of the field work as he was authorized to complete between 27.06.2018 through till 19.07.2018. He submits that the said period would fall within the definition of “Vacation” as per the Ordinance and as such it was not obligatory on the part of the petitioner to obtain leave from the VC for the period falling within the vacation. He submits that the petitioner had already informed the Chairperson, CPS and the Dean of his travel abroad *vide* letter dated 12.06.2018 under the subject “*Approval for Field Work under the ICSSR Research Work*” which is not denied by the respondent-University. The petitioner had categorically informed that he would leave on 25.06.2018 and return on 17.07.2018. The petitioner had *inter alia* also informed of his budget regarding air fare, accommodation and dearness allowance for local travel which would in all amount to Rs.5,50,000/-.

7. Learned counsel submits that it is only thereafter that the



2024:DHC:1029



petitioner had infact travelled abroad and returned back on 19.07.2018 which was well before 21.07.2018, the day when the vacations were over. As such, he submits that there is no reason as to why the respondent/ University would initiate any disciplinary proceedings in that regard. Learned counsel had also submits that the show cause notice to the petitioner was issued on the premise that the petitioner had not obtained permission in respect of "Duty Leave". He submits by referring to sub-Clause (i) of the definition of "Duty Leave" of Clause 4 of Statue 3 of the Ordinance to submit that the duty leave not exceeding 14 working days' in a semester can be granted by the VC, if the leave is obtained for an academic assignment outside India. Learned counsel submits that since the petitioner was travelling for field work during the vacation and not while the semester was in session, the requirement of obtaining any permission from the VC would not arise. As such, he submits that the show cause notice is itself not only bad in law but also contrary to the Statutes and Ordinance of the respondent/ University. He submits that the show cause notice be quashed and the petitioner be released Rs.5,50,000/- as granted by the ICSSR.

CONTENTIONS OF THE RESPONDENT:

8. *Per Contra*, Mr. Mahapatra, learned counsel appearing for the respondent/ University submitted that the petitioner is bound by the Statute and other conditions of the Ordinance as also the contract under which he was appointed. The learned counsel handed over the bench the form of Contract executed between the petitioner and respondent/

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By: VINOD KUMAR
Signing Date: 13.02.2024
12:14:22

W.P.(C) 5498/2019**Page 9 of 20**



2024:DHC:1029



University in terms of Statute 29(1) to submit that in case of any dispute, the same shall be referred to a Tribunal of Arbitration consisting One member appointed by the Executive Council, one member nominated by the Officer or Teacher concerned, and an Umpire appointed by the Visitor and the decision of the Tribunal is to be final. He submits that the petitioner came directly to this Court in a Writ Petition without exhausting the alternate efficacious remedy as per the contract.

9. Learned counsel for the respondent/ University refers to letter dated 12.06.2018 written by the petitioner to the Section officer regarding his visit to Brazil for 23 days to submit that the said letter was only conveying an information and not obtaining leave. In this context, learned counsel referred to the Ordinance in respect of Leave to the Teachers of the University, particularly to “Duty Leave”. According to learned counsel since the petitioner was visiting a Country outside India, in respect of his field work, he was under a compulsion to obtain leave from the VC. It is apparent from the letter referred to, the petitioner had not sought any leave of the nature stipulated in “Duty Leave”.

10. Learned counsel also invited attention of this Court to Clause 24 of the Ordinance indicating the authorities which are empowered to sanction leaves. He submits that wherever the leave involved “visit abroad” the Competent Authority in case of the Teachers would be the VC. It is the submission of learned counsel that the petitioner did not seek any leave from the VC for visiting abroad for his field work.

11. The next contention of the learned counsel is in respect of a letter dated 05.07.2018 which is a note put up by the Section Officer of the



2024:DHC:1029



respondent/ University which clearly indicated that the VC while approving the proposal of the petitioner for visit to Brazil between 25.06.2018 to 17.07.2018 in connection with the petitioner's project "*Democracy and Post Civil Society in Global Politics*" had also indicated that the faculty member cannot leave the Country before the University issues office order for such a leave. Since apparently the petitioner had violated such conditions, the respondent/ University by the letter dated 27.09.2018 issued a show cause notice calling upon the petitioner to explain the reason for leaving the Country without prior approval. Learned counsel invited attention to the reply dated 08.10.2018 sent by the petitioner to the show cause notice issued by the respondent/ University. According to learned counsel, the contents of the said reply would also indicate that the petitioner himself was clear in the understanding that the Statutes and Ordinance required him to obtain prior leave before leaving India for the field work at Brazil. The petitioner had, according to the learned counsel, sought condonation of such error and had prayed to process the application for field grant and that he would in future apply under the Rules.

12. On the basis of the above, learned counsel submits that there is no reference to Clause 17 regarding the vacation or any other such reason in his reply and as such the show cause notice has been rightly issued to the petitioner.

13. Moreover, learned counsel submits that the interference of this Court under Article 226 of the Constitution in cases where an employee has been issued a show cause notice is no more *res integra* by a catena of



2024:DHC:1029



judgments of the Supreme Court more particularly, referred to *Union of India and Another vs. Kunisetty Satyanarayana* reported in (2006) 12 SCC 28. He thus, prays that the present petition be dismissed.

ANALYSIS AND CONCLUSION:

14. This Court has heard the learned counsel for the parties, perused the documents on record as also the Academic Ordinance of the year 2016 and considered the judgments relied upon.

15. The issue in the present petition is within a narrow compass, in that, this Court has to consider as to whether the travel abroad by the petitioner during the 25.06.2018 through till 19.07.2018 required the petitioner to obtain leave of any nature whatsoever from the VC.

16. In order to appreciate the contentions of the respective parties, it would be necessary to first consider the definition and the import of the Ordinance regulating leave to the Teachers of the University. It would be apposite to extract hereunder the Ordinance regulating the leave:-

“3.ORDINANCE FOR REGULATING LEAVE TO TEACHERS OF THE UNIVERSTITY

Kinds of Leave Admissible

1. The following kinds of leave may be admissible to permanent teachers:

i) Leave treated as duty -

*Casual Leave
Special Casual Leave
Duty Leave*

ii) Leave earned by duty-

*Earned leave
Half Pay leave
Commutated leave*



iii) Leave not earned by duty -

*Extraordinary leave
Leave not due*

iv) Leave not debited to leave account-

a) Leave for academic pursuits-

*Study leave
Sabbatical leave*

b) Leave on grounds of health-

*Maternity Leave
Paternity Leave
Adoption Leave
Quarantine Leave
Child Care Leave*

The Executive Council may, in exceptional cases, grant, for the reasons to be recorded, any other kind of leave, subject to such terms and conditions as it may deem fit to impose.

2. Casual Leave:

(i) Casual leave is not earned by duty. Total casual leave granted to a teacher shall not exceed eight days in an academic year.

(ii) Casual leave shall not be combined with any other kind of leave except special/casual leave. It may be combined with holidays including Sundays. Holidays or Sundays falling within the period of casual leave shall not be counted as casual leave.

3. Special Casual leave:

(i) Special casual leave not exceeding ten days in an academic year may be granted to a teacher -

(a) to conduct examination of a University, Public Service Commission, Board of Examination or other similar bodies/institutions;

(b) to inspect academic institutions attached to a Statutory Board, etc;

(c) to participate in a literary, scientific or educational conference, symposium or seminar or cultural or athletic activities conducted by Bodies recognized by the University Authorities;



(d) to do such other work as may be approved by the Vice-Chancellor as academic work.

Note: *In computing the ten days leave admissible, the days of actual journey, if any, to and from the places where such conference/activity takes place will be excluded.*

(ii) In addition, special casual leave to the extent mentioned below may also be granted-

(a) to undergo sterilization operation (Vasectomy or Salpingectomy) under Family Planning Programme. Leave in this case will be restricted to six working days.

(b) to a female teacher to undergo non-puerperal sterilization. Leave in this case will be restricted to fourteen days.

(iii) Special casual leave cannot be accumulated nor it can be combined with any other kind of leave except casual leave. It may, however, be combined with holidays.

4. Duty Leave:

(i) Duty leave not exceeding 15 working days in a semester may be granted by the Dean of the School if the duty leave is for academic assignment within India, and by the Vice-Chancellor if outside India, for

(a) attending conferences/ congresses/symposia / seminars and other activities of similar nature, on behalf of the University or where invitations are accepted with the prior approval of the University;

(b) delivering lectures in Institutions and Universities at the invitation of such Institutions or Universities received by this University and accepted by the Vice-Chancellor.

(c) working in another Indian or a foreign University, any other agency, institution or organization when so deputed by the University, or for performing any other duty for the University;

(d) working as a member of a delegation or committee appointed by the Govt. Of India, State Governments, UGC, Universities or any other academic or public body;

(e) deputation abroad under cultural/bilateral exchange programme in which it is a condition that the teacher deputed will have to go on duty leave; or



(f) undertaking field work in India or abroad.

(ii) Duty leave may be combined with earned leave, half pay leave or extraordinary leave.

(iii) Duty leave may either be pre-fixed or suffixed to the vacation.

(iv) Duty leave can also be availed of to attend meetings at UGC, DST, etc if a teacher is invited to share expertise with such academic bodies/government agencies.”

It would also be apposite extract hereunder Clause 17 of Statute 3 stipulating the conditions of Vacation:-

“17. Vacation:

(i) Vacation may be taken in combination with any kind of leave except casual and special casual leave, provided that vacation shall not be both prefixed and suffixed to leave.

(ii) Except in special circumstances, vacation and earned leave taken together shall not extend beyond one semester.

(iii) When a vacation falls between two periods of leave so as to result in a continuous absence from duty during the entire period, such vacation shall be treated as part of the leave.

(iv) For the vacation period, a teacher shall be entitled to the same pay as when on duty. A teacher will, however, be entitled only to half of such pay if he/she has given notice of resignation and the period of such notice expires during vacation or within one month from the last pay thereof.”

17. It is apparent from the Clauses of the Ordinance regarding regulation of leave to the Teachers, that there are various kinds of leave that Teachers can avail of subject to approval by the Competent Authority as also to the extent of admissible leave. Clause 4 of the Ordinance which stipulates of the conditions of “Duty Leave” would be relevant since the case of the respondent/ University and the show cause



2024:DHC:1029



notice is predicated on the alleged violation of the petitioner in not having obtained leave under Clause 4 which is “Duty Leave”. Another allegation which arises out of alleged violation of “Duty Leave” is the non-obtaining of such permission from the VC.

18. It is of great significance to note that sub-Clause (i) of Clause 4 of the Ordinance refers to the Duty Leave being obtained in a “Semester” from the VC if the assignment is outside India. Sub Clause (iii) of Clause 4 also refers to “Duty Leave” and refers to “Vacation” too. This coupled with the provisions of sub-Clauses (i) and (iii) of Clause 17 of the Ordinance, would clearly indicate that “Duty Leave” is a distinct concept and is in no manner intertwined or relatable to vacations. It is clear from a plain reading of both the clauses i.e., sub-Clause (I) of Clause 4 and Clause 17 that there is no overlap between the two and are applicable during two different parts of the same academic year. In that, the “Duty Leave” will need to be obtained necessarily while the “Semester” is running whereas, no such leave has to be obtained during “Vacation”.

19. Coming to the facts of the case, it is clear that the petitioner was awarded the Sponsored Research Project by the ICSSR *vide* the letter dated 30.11.2015. *Vide* the said letter, the ICSSR had approved a Grant in aid of Rs.27,00,000/- with a duration of 24 months for the study. The first installment of Rs.10,80,000/- was granted *vide* the said letter. The said letter alongwith the cheque of Rs.10,80,000/- was also issued to the Finance Officer of the respondent/ University since the said amounts are to be remitted with the respondent/ University in Trust. Thus, it is not as if the respondent/ University was unaware of the field work in respect of



2024:DHC:1029



the aforesaid project of the petitioner. The correspondences between the petitioner and the ICSSR were all marked also to the Finance Officer of the respondent/ University.

20. It is not disputed that the schedule of the Academic year for 2017-2018 comprised summer vacation commencing from 13.05.2018 through till 21.07.2018. Neither the counsel for the respondent/ University nor the respondent/ University itself had placed on record any document to controvert the aforesaid vacation period. It is beyond doubt that the period of travel commencing 25.06.2018 through till 19.07.2018 by the petitioner was within the said “vacation period”.

21. The documents on record also indicate that the petitioner had informed his itinerary, the copy of the airline tickets as also the costs that would incur to the extent of Rs.5,50,000/- to the respondent/ University before travelling abroad. It is also not disputed that the VC had approved the sanction of Rs.5,50,000/- for field visit of the petitioner to Brazil from 25.06.2018 to 17.07.2018 in connection with his project “*Democracy and Post Civil Society in Global Politics*” vide the letter dated 05.07.2018.

22. Reference to the reply dated 08.10.2018 sent by the petitioner in response to the show cause notice dated 27.09.2018 and the submission of the learned counsel for the respondent/ University that the petitioner was admitting to his mistake and that he would seek permission in future is irrelevant for the consideration of this Court. This is for the reason that no permission *per se* was required to be taken by the petitioner from either VC or any other person for the period covered within Clause 17



2024:DHC:1029



relating to the “Vacation period” as Clause 17 does not stipulate any such permission to be taken unless the vacations are prefixed or suffixed by “Duty Leave”. Thus, the response of the petitioner in view of the aforesaid interpretation, would become irrelevant and pale into insignificance. It appears to this Court that the premise on which the show cause notice was issued is not available to the respondent/ University in view of the aforesaid interpretation.

23. The argument of learned counsel in regard to the Writ Court being loath in interfering with the Disciplinary proceedings at the stage of issuance of show cause notice is concerned there is no quarrel with that. There is equally no quarrel with the ratio laid down by the Supreme Court in ***Kunisetty Satyanarayana (supra)***. Even the Supreme Court in ***Kunisetty Satyanarayana (supra)*** has carved out the exception to this rule in para 16 that a High Court under Article 226 of the Constitution of India can quash charge-sheet/show-cause notice in a rare and exceptional case, when it is found to be wholly without jurisdiction or for some other reason if it is wholly illegal. However, when on examination of such show cause notice, the Court finds that there is absolutely no ground made out for such issuance, more so being defective on law, the interference by this Court under Article 226 of the Constitution is not prohibited. This Court is fortified by the ratio of the judgment of the Supreme Court in ***Union of India and Another vs. VICCO Laboratories***, reported as (2007) 13 SCC 270 wherein the aforesaid proposition was clearly laid down. The relevant paragraph is extracted hereunder:-



*“31. Normally, the writ court should not interfere at the stage of issuance of show-cause notice by the authorities. In such a case, the parties get ample opportunity to put forth their contentions before the authorities concerned and to satisfy the authorities concerned about the absence of case for proceeding against the person against whom the show-cause notices have been issued. Abstinence from interference at the stage of issuance of show-cause notice in order to relegate the parties to the proceedings before the authorities concerned is the normal rule. **However, the said rule is not without exceptions. Where a show-cause notice is issued either without jurisdiction or in an abuse of process of law, certainly in that case, the writ court would not hesitate to interfere even at the stage of issuance of show-cause notice.** The interference at the show-cause notice stage should be rare and not in a routine manner. Mere assertion by the writ petitioner that notice was without jurisdiction and/or abuse of process of law would not suffice. It should be prima facie established to be so. Where factual adjudication would be necessary, interference is ruled out.”*

(emphasis supplied)

24. The argument of learned counsel for the petitioner in regard to EC having already pre-decided to impose major penalty on the petitioner after considering the response of the petitioner in reply dated 08.10.2018, rendering the subsequent proceedings *void ab initio* is concerned, in view of the aforesaid conclusion regarding non application of Clause 4 of Statue 3 of the Ordinance of the University, the said issue need not detain this Court any more.

25. In view of the above, this Court is of the considered opinion that the show cause notice which has been issued is contrary to the Ordinance and Statute of the respondent-University and as such ought to and is quashed leaving the parties to bear their own costs. As a sequitur, the respondent is directed to release Rs. 5,50,000/- within 4 weeks from today.



2024:DHC:1029



26. Though this Court has allowed the writ petition and quashed the impugned show cause notice dated 27.09.2018, however, the same would not prevent the respondent-University to initiate any fresh proceeding in respect of any other violation regarding the dispute between the parties, if permissible as per the Ordinance of the respondent/ University.

27. In view of the above, the writ petition is allowed.

28. There shall be no order as to costs.

29. Pending application, if any, also stands disposed of with no order as to costs.

TUSHAR RAO GEDELA, J.

FEBRUARY 12, 2024/lr/AJ