IN THE HIGH COURT OF JHARKHAND AT RANCHI
W.P.(S) No. 3488 of 2024

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Dr. Sumeet Kumar Gupta, aged about 37 years, son of Late Pawan Sahu, resident of Flat No.1B, First Floor, Kamla Enclave, Gari, Bariatu, P.O. and P.S. Bariatu, District-Ranchi Jharkhand. .... **Petitioner(s)**

-VERSUS-

1. The State of Jharkhand through the Principal Secretary, of Higher & Department Technical Education, Government of Jharkhand, Ranchi, having its office at Nepal House, Doranda, P.O. Doranda, P.S. Doranda, District Ranchi, Jharkhand.
2. Chancellor of the Jharkhand Raksha Shakti University, Jharkhand, Rajbhawan, P.O. GPO and P.S. Kotwali, District-Ranchi.
3. Principal Secretary, Chancellor of the Jharkhand Raksha Shakti University, Jharkhand, Rajbhawan, P.O. GPO and P.S. Kotwali, District-Ranchi.
4. Jharkhand Raksha Shakti University through Vice Chancellor, having its office at Meurs Road, Morabadi, P.O. Ranchi University, P.S. Gonda, District Ranchi, Jharkhand.
5. The Examination Controller, Jharkhand Raksha Shakti University, having its office at Meurs Road, Morabadi, P.O. Ranchi University, P.S. Gonda, District Ranchi, Jharkhand.
6. The Finance Officer, Jharkhand Raksha Shakti University, having its office at Meurs Road, Morabadi, P.O. Ranchi University, P.S. Gonda, District Ranchi, Jharkhand.
7. Jharkhand Public Service Commission through Chairman, having its Office at Circular Road, P.O. Lalpur, P.S. Lalpur, District Ranchi, Jharkhand.

.....Respondent (s)

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CORAM: **HON'BLE MR. JUSTICE DEEPAK ROSHAN**

For the Petitioner(s) : Mr. Indrajit Sinha, Adv
Mr. Arpan Mishra, Adv
Mr. Ankit Vishal, Adv

For the Respondent (s) : Mr. Prashant Pallav, Sr. Adv
Ms. Oishi Das, A.C. to A.G.
Mr. Abhay Prakash, Adv
Mr. Amritanshu Singh, Adv
Mr. Durgesh Agarwal, Adv
Mr. Rahul Kamlesh, Adv

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C.A.V. ON: 06/08/2026 **PRONOUNCED ON:05/10/2026**

1. Heard learned counsel for the parties.

2. The instant writ petition has been preferred by the petitioner praying therein for quashing of the order contained in Memo No. JRSU/ESTT/149/SKG/155/2024 dated 07.06.2024 (Annexure-10) passed by the Finance Officer, Jharkhand Raksha Shakti University, whereby and where under the services of the petitioner has been terminated with immediate effect from the post of Assistant Registrar, Jharkhand Raksha Shakti University, after obtaining approval from Vice Chancellor of the University.

The petitioner has also prayed for issuance of direction to forthwith reinstate the petitioner on the post of Assistant Registrar, Jharkhand Raksha Shakti University along with all consequential benefits of continuity, seniority, arrears of salary etc., in accordance with law which the petitioner is otherwise entitled.

Brief Facts:-

3. The brief facts of the case lie in the narrow compass. The Respondent No.7 (JPSC) vide Advertisement No. 05/2020 invited applications for appointment on the post of Assistant Registrar in *Jharkhand Raksha Shakti University (JRSU).* One of the requisite eligibility/ criteria for the said post was five years supervisory experience in Establishment/ Legal Matters in a Government/ Semi Government/ Public Sector/ Autonomous Organization/ University/ Educational Institutions of higher learning.

4. The petitioner had the requisite experience of working in different establishment/ university on various supervisory posts.

5. The petitioner submitted the application and participated in the selection process held pursuant to aforesaid advertisement. After proper verification of requisite documents including the documents pertaining to

supervisory experience, the respondent JPSC short-listed 5 candidates including the petitioner for appearing in the interview to be conducted by JPSC in terms of Clause-4 of the Advertisement.

6. During the scrutiny of documents, the candidature of six prospective candidates were rejected by the JPSC on the ground that they did not have the requisite experience in terms of the Advertisement which would be apparent from *Annexure at Page-46* of the writ petition wherein lists of candidates who had not been called for interview has been given.

7. The interview of the shortlisted candidates was conducted by JPSC on 18.02.2021. Thereupon, the final result was published by the Controller of Examination, JPSC wherein the petitioner being at the top of the final merit list got selected on the post of Assistant Registrar in *JRSU*.

8. Subsequently, the Secretary, JPSC vide letter No. 654 dated 12.03.2021 recommended to Vice-Chancellor, JRSU for appointment of the petitioner on the post of Assistant Registrar. Thereupon, the Vice-Chancellor, JRSU vide Notification No. 46/VC dated 15.03.2021 appointed the petitioner on the post of Assistant Registrar in the University.

9. Pursuant to the appointment on the post of Assistant Registrar the petitioner has satisfactorily worked as Assistant Registrar which has been appreciated from time to time by the concerned authority of the University. The Examination Controller, JRSU vide letter No.

10. All of a sudden, *JRSU/ESTT/149/144/2024* dated 30.05.2024 issued Show Cause to the petitioner in terms of the direction issued by the Governor's Secretariat vide

letter dated 27.05.2024 on the ground that the petitioner does not fulfill requisite experience in terms of Clause-2 of Advertisement No. 05/2020.

11. In reply to the said Show-Cause the petitioner vide letter dated 05.06.2024 submitted his explanation regarding the fulfillment of requisite qualification and experience. The Finance Officer, JRSU vide impugned Order No. 155/2024 dated 07.06.2024 dismissed the petitioner from the post of Assistant Registrar in purported exercise of *Rule-33(1) of the Jharkhand Raksha Shakti University, Act, 2016*.

Submission of the petitioner

12. It is submitted that the petitioner has been terminated vide order No. 155/2024 dated 07.06.2024 from the post of Assistant Registrar of University without giving proper opportunity of hearing and in absence of regular Departmental Proceeding on the allegations levelled against the petitioner.

13. The issuance of show cause notice to the petitioner was mere empty formality as the decision to terminate the petitioner was already taken prior to the issuance of the show cause notice dated 30.05.2024.

14. It has been submitted that *Section-33* of the *Jharkhand Raksha Shakti University (JRSU) Act, 2016* provides that any officer of the University cannot be terminated without holding an enquiry against the charges levelled without giving proper opportunity of hearing to the delinquent employee.

15. It is settled proposition of law that Government servant cannot be imposed major penalty of dismissal without holding Disciplinary Proceeding. The Hon'ble Supreme Court of India in ***Satyendra Singh Vs. State of***

Utter Pradesh*;** reported in ***2024 SCC online SC 3325 has held that recording of evidence in a Disciplinary Proceeding proposing charges of major punishment is mandatory and further held that the enquiry proceedings conducted against the appellant pertaining to charges punishable with major penalty were totally vitiated and non-est in the eyes of law.

16. It has been submitted that the decision to terminate the petitioner was pre-meditated which would also be apparent from the fact that the Principal Secretary to the Governor, vide letter No. 1425 dated 27.05.2024, directed the Principal Secretary, Department of Higher and Technical Education to remove the Registrar and Assistant Registrar from the office with immediate effect.

Thereupon, the Director, Higher Education vide letter No. 791 dated 29.05.2024, directed the VC-JRSU to take appropriate action in terms of the letter No. 1425 dated 27.05.2024 issued by the Governor Secretariat, Jharkhand.

17. It has been submitted that the Respondent No.1, 4, 5 and 6 by way of Counter Affidavits filed in the instant writ petition have for the first time mentioned about certain complaints levelled against the petitioner by some of the Grade-III and Grade-IV employees regarding misbehavior during the course of duty which led to the constitution of an *Enquiry Committee* which conducted an enquiry and submitted a report against the petitioner before the Department of Higher & Technical Education, Government of Jharkhand thereupon, the Director, Higher Education vide letter No. 667 dated 09.05.2024 forwarded O.S.D. (Judicial) to the Hon'ble Governor.

18. It has been contended that the aforesaid enquiry was conducted behind the back of the petitioner as the petitioner came to know about the complaint made by the Grade-III and Grade-IV employees and the contents of enquiry report only after filing of the Counter Affidavits by respondent No. 1, 4, 5 and 6.

19. It has been submitted that neither the complaint filed against the petitioner; nor the enquiry report was ever served upon the petitioner. Moreover, the impugned order dated 07.06.2024 has been passed by the Finance Officer, JRSU with the pre-judged guilt of the petitioner without giving proper opportunity of hearing to the petitioner which would be evident from the fact that even prior to the issuance of the Show Cause Notice dated 30.05.2024 upon the petitioner, the Principal Secretary to the Governor vide letter No. 1245/GS dated 27.05.2024 had issued direction for termination of the petitioner with immediate effect.

20. It has been reiterated that in the instant case, no regular Departmental Proceeding was conducted against the petitioner and the so-called enquiry has been conducted by the Enquiry Committee behind the back of the petitioner without giving any opportunity of hearing. The said enquiry was initiated on the basis of the complaints made by the Grade-III and Grade-IV employees regarding misbehavior by the petitioner; however, the petitioner has not been terminated on the said charges; rather the petitioner's services has been terminated on the frivolous ground that the petitioner does not fulfill the requisite experience criteria.

21. It is also been submitted that although the petitioner was appointed by the Vice Chancellor, JRSU vide Notification 46/VC dated 15.03.2021; however, the

impugned order of termination has been issued by the Finance Officer, JRSU who is the authority lower than the appointing authority.

22. The Hon'ble Supreme Court of India in case of ***Ministry of Defence Vs. Prabhash Chandra Mirdha;*** reported in ***2012 (11) SCC 565*** has held that the removal and dismissal of a delinquent on misconduct must be by the Authority not below the Appointing Authority.

23. So far as the allegation of non-fulfilment of experience criteria of petitioner is concerned, it has been submitted that the petitioner was selected on the post of Assistant Registrar in JRSU by the JPSC after thorough scrutiny of the documents including the experience criteria of the petitioner and thereafter, the petitioner was duly appointed by the Vice Chancellor, JRSU.

24. The respondent No.7 (JPSC) by way of Counter Affidavit filed in the instant writ petition have mentioned that the information mentioned in the application and documents enclosed with the application of the petitioner were scrutinized by the office and further by the team of professors' from the list of University Professors as approved by the Hon'ble Governor, Jharkhand and in terms of Clause 5(2) of Chapter -IV of the JPSC Rules of Procedure, 2002, the petitioner was found eligible for interview. The petitioner has been duly appointed on the post of Assistant Registrar as the petitioner fulfills requisite experience criteria in terms of the Adv. No. 05/2020.

Submissions of Respondents

25. The respondent University has filed counter affidavit in reply to the averments made in the writ petition.

26. The respondent has submitted that on receipt of certain complaints against the petitioner by some of the

Grade-III and Grade-IV employees regarding misbehavior during the course of duty and pursuant to the said complaints, an Enquiry Committee was constituted and an enquiry was conducted. After completion of enquiry, report against the petitioner was submitted before the Department of Higher & Technical Education, Government of Jharkhand thereupon, the Director, Higher Education vide letter No. 667 dated 09.05.2024 forwarded O.S.D. (Judicial) to the Hon'ble Governor.

27. It is further submitted that the petitioner does not qualify for appointment on the post of Assistant Registrar.

Analysis

28. After hearing submissions of the parties and after going through the documents available on record and averments made in the respective affidavits, it appears that the petitioner has been terminated from the post of Assistant Registrar without conducting regular departmental proceeding. The respondent University had only issued show cause notice before issuing the impugned letter of terminating the petitioner.

29. Moreover, the show cause notice was also issued with pre-judged guilt of the petitioner merely on the basis of the direction issued by Director, Higher Education vide letter No. 791 dated 29.05.2024.

30. The proceeding conducted against the petitioner is mere an eye wash as the respondents had already decided to terminate the services of the petitioner without even hearing the petitioner which is evident from letter of Principal Secretary to the Governor vide letter No. 1245/GS dated 27.05.2024 that *"The Registrar and Assistant Registrar, JRSU should be removed from the office with immediate effect"* while the show cause notice was served to

petitioner by controller of Examination, JRSU vide letter No. JRSU/ESTT/149/144/2024 dated 30/05/2025 and termination letter was served by Finance officer, JRSU vide letter No. JRSU/ESTT/149/SKG/155/2024 dated 07/06/2024.

31. It is settled principle of law that a permanent government employee cannot be terminated without holding regular departmental proceedings.

32. The Hon'ble Supreme Court in the case of ***Satyendra Singh (Supra)*** has held that recording of evidence in a Disciplinary Proceeding proposing charges of major punishment is mandatory.

33. The Hon'ble Apex Court in paragraph 13 has observed as under:-

> ***"13.*** *This Court in a catena of judgments has held that the recording of evidence in a disciplinary proceeding proposing charges of a major punishment is mandatory...."*

34. The services of the petitioner cannot be taken away by way of termination simplicitor.

35. It is also evident that the impugned termination order has been passed by the Finance Officer of the University; whereas, the petitioner was appointed by the Vice-Chancellor. The Hon'ble Supreme Court of India in case of ***Prabhash Chandra Mirdha*** *(Supra)* has held that the removal and dismissal of a delinquent on misconduct must be by the Authority not below the Appointing Authority.

36. In view of the aforesaid finding, the impugned order no. JRSU/ESTT/149/SKG/155/2024 dated 07.06.2024; is hereby, quashed and set aside with the direction to re-instate the petitioner on the post of Assistant Registrar of JRSU forthwith along with all consequential

benefits in accordance with law which the petitioner is otherwise entitled.

37. However, the respondent University would be at liberty to hold a fresh enquiry against the petitioner and pass a fresh order, if so advised.

38. Accordingly, the instant writ application stands allowed. Pending I.A., if any, also stands disposed of.

(Deepak Roshan, J)

Dated:05/10/2026
Amardeep/
A.F.R
Uploaded on

8.10.2026