CGHC010391382026 2026:CGHC:43671

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 7284 of 2026

Bhupendra Kuldeep S/o. Late Shri Jagmohan Kuldeep Aged About 51 Years Presently Working As Registrar, Hem Chand Yadav University Durg, District Durg (C.G.) R/o. B/102, Gajraj Parisar M.P. Housing Board Colony, Raipur Naka, Durg District- Durg, (C.G.)

... Petitioner(s)

versus

JYOTI SHARMA
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Date: 2026.10.08 17:10:46 +0530

1. State Of Chhattisgarh Through Secretary, Department Of Higher Education, Government Of Chhattisgarh, Mantralaya Mahanadi Bhawan, Naya Raipur, Atal Nagar, District- Raipur (C.G.)

2. Under Secretary, Department Of Higher Education, Government Of Chhattisgarh, Mantralaya Mahanadi Bhawan, Naya Raipur, Atal Nagar, District- Raipur (C.G.)

3. Directorate Of Higher Education, Through It's Commissioner, Indravati Bhawan, Naya Raipur, District- Raipur (C.G.)

4. Assistant Registrar, Hem Chand Yadav University, Durg, Raipur Naka, Durg, District Durg (C.G.)

... Respondent(s)

(Cause title is taken from Case Information System)

For Petitioner	:	Mr. Ashish Beck along with Mr. Shashikant Chouhan, Advocate
For Respondents/ State	:	Mr. Vivek Verma, G.A.
For Respondent No. 4	:	Mr. Neeraj Choubey, Advocate

(HON'BLE SHRI JUSTICE BIBHU DATTA GURU)

Order on Board

08/10/2026

1. The present writ petition has been filed by the petitioner, who is presently posted as Registrar of Hem Chand University, Durg, calling in question the legality and validity of the impugned order

dated 29.09.2026 (Annexure P-1), whereby the petitioner has been transferred from the post of Registrar, Hem Chand University, Durg to the Directorate of Higher Education, Raipur.

2. Learned counsel appearing for the petitioner submits that the impugned order is wholly without jurisdiction and contrary to Rule 22 of the Chhattisgarh Universities Services Rules, 1983 (hereinafter referred to as "the Rules of 1983"). Learned counsel submits that Rule 22, as originally framed, provides that "कुलाधिपति, सेवा के किसी भी सदस्य को एक विश्वविद्यालय से दूसरे विश्वविद्यालय में स्थानान्तरित कर सकेगा।"

3. It is submitted that the aforesaid provision empowers the Chancellor to transfer a member of the service from one University to another University. However, in the present case, the petitioner has been transferred from Hem Chand University, Durg to the office of the Directorate of Higher Education, Raipur, which is not a University. Thus, according to learned counsel for the petitioner, the impugned order travels beyond the power conferred under Rule 22 and is, therefore, liable to be quashed.

4. Per contra, learned State counsel, producing a copy of the gazette notification in respect to the amendment made in Rule 22 on dated 23.03.1999, submits that the expression "कुलाधिपति" occurring in Rule 22 has been substituted by the expression "राज्य सरकार". The said copy of gazette notification is taken on record. According to learned State counsel, by virtue of the said amendment, the power to transfer a member of the service has been conferred upon the State Government and, therefore, the

State Government was competent to pass the impugned order transferring the petitioner from the University. He further submits that the impugned order is, in substance, not an order of transfer but an order of attachment passed by the competent/appointing authority on account of a pending departmental enquiry against the petitioner. It is, therefore, contended that no illegality can be said to have been committed in passing the order dated 29.09.2026.

5. Learned counsel appearing for respondent No. 4 adopts the submissions advanced by learned State counsel.

6. I have heard learned counsel appearing for the parties and have perused the material available on record, including the impugned order dated 29.09.2026 (Annexure P-1).

7. From a perusal of Annexure P-1, it is evident that the petitioner, who is the Registrar of Hem Chand University, Durg, has been posted in the office of the Directorate of Higher Education, Raipur. Thus, irrespective of the nomenclature assigned to the impugned order, its effect is that the petitioner has been divested of his present posting in the University and has been directed to discharge his duties under the Directorate of Higher Education, Raipur.

8. The submission of learned State counsel that the impugned order is merely an order of attachment passed on account of the pendency of an enquiry also cannot be accepted in the absence of any statutory provision or rule conferring such power upon the State Government.

9. Learned State counsel, despite being afforded an opportunity, has not been able to point out any provision under the Chhattisgarh Universities Services Rules, 1983, or any other statutory enactment, which empowers the State Government to attach the services of an employee of a University to the Directorate of Higher Education or to any other department of the State Government.

10. The next question which arises for consideration is as to whether Rule 22, as amended vide amendment dated 23.03.1999, confers such power upon the State Government.

11. Even assuming that, by virtue of the amendment dated 23.03.1999, the expression "कुलाधिपति" in Rule 22 has been substituted by the expression "राज्य सरकार", the power conferred by the said provision has to be understood within the ambit and scope of Rule 22 itself. The provision, even after such substitution, contemplates transfer of a member of the service from one University to another University. The amended provision, therefore, cannot be construed as conferring an unrestricted power upon the State Government to transfer a University employee from a University to a Government department or Directorate which is not a University.

12. In the present case, the petitioner has not been transferred from Hem Chand University, Durg to another University. Rather, he has been transferred to the Directorate of Higher Education, Raipur. Such an order, in substance and effect, results in the petitioner being placed outside the University establishment.

13. In the present case, the respondents have failed to demonstrate the source of power under which the petitioner, a Registrar of the University, could be transferred/attached to the Directorate of Higher Education, Raipur. Mere pendency of a departmental enquiry, by itself, cannot confer jurisdiction upon the State Government to pass an order which is otherwise not supported by the applicable statutory rules.

14. Consequently, this Court is of the considered opinion that the impugned order dated 29.09.2026 (Annexure P-1), whereby the petitioner has been posted from the post of Registrar, Hem Chand University, Durg to the Directorate of Higher Education, Raipur, cannot be sustained in law.

15. Accordingly, the impugned order dated 29.09.2026 (Annexure P-1) is hereby **quashed and set aside**. The writ petition is, accordingly, **allowed**. However, the respondents/ State government is at liberty to pass appropriate order in accordance with law, if so advised.

Sd/-
(BIBHU DATTA GURU)
JUDGE

Jyoti