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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 12768/2019**

DR. MOHIT TIWARI

.....Petitioner

Through: Mr. Puneet Jain, Senior Advocate
with Mr. Utsav Saxena and
Mr. Kartikey Singh, Advocates.

versus

UNIVERSITY GRANTS COMMISSION & ANRRespondents

Through: Mr. Rajesh Kumar Gautam, Mr.
Anant Gautam, Mr. Deepanjal, Ms.
Azal Aekram and Mr. Aman Gahlot,
Advocates for R-2.
Mr. Manoj Ranjan Sinha and Mr.
Vishal Agrawal, Advocates for R-1.
Ms. Pratima N. Lakra, CGSC with
Mr. Shailendra Kumar Mishra and
Ms. Upanita, Advocates for UOI.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

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25.04.2026

[As per the Notification No. 64/G-4/Genl.-I/DHC dated 27th February, 2026, matters listed on 3rd March, 2026 (on account of "Holi"), are to be taken up on 25th April, 2026.]

1. The Petitioner was appointed as Assistant Adviser in the National Assessment and Accreditation Council ["NAAC"] on 22nd August, 2017. The appointment was on "probation for a period of two years" and carried with it the "liability to serve anywhere in India". By Office Order dated 9th May,



2018, the Petitioner was transferred from NAAC, Bengaluru to NAAC, New Delhi. The said order records that the transfer was in public interest and that the Petitioner would be entitled to joining time and transfer allowance in accordance with applicable rules.

2. The controversy arose when the Petitioner claimed transfer benefits, including the amount towards transportation of personal effects from Bengaluru to New Delhi. The Petitioner asserted that his household goods had in fact been transported, though not from the NAAC campus, but from the residence of his brother-in-law at Bengaluru, and relied upon documents issued by the transport agency i.e., M/s New Mahadev Transport, in support of this claim. NAAC, however, disputed the claim, alleging that the transportation was not genuine and that the supporting documents were unreliable. In this context, reliance was placed, *inter alia*, on the security records of NAAC indicating that the vehicle mentioned in the transportation documents had not entered the NAAC campus on the relevant dates, along with other surrounding circumstances, to question the veracity of the Petitioner's version.

3. This led to disciplinary proceedings. A Show Cause Notice ["SCN"] dated 31st August, 2018 was issued to the Petitioner, followed by a Charge Memorandum dated 22nd January, 2019. The substance of the charges was that the Petitioner had submitted fictitious bills for transportation of personal effects, furnished false information regarding the movement of goods, failed to observe financial discipline while claiming transfer allowance, caused loss to NAAC to the extent of INR 89,823/-, and thereby committed serious misconduct.

4. A domestic inquiry was thereafter conducted. The inquiry authority



held all five charges to be proved. The disciplinary authority, by order dated 29th August, 2019, imposed the penalty of “*removal from service which shall not be a disqualification for future employment under the Government*” under Rule 11(viii) of the CCS (CCA) Rules, 1965. The order records that the Petitioner was granted a personal hearing before the Executive Committee on 5th July, 2019, and that the Executive Committee, in its 85th meeting held on 20th August, 2019, resolved to impose the said penalty.

5. The Petitioner preferred an appeal on 29th August, 2019. In the appeal, the Petitioner raised several grounds. He questioned the appreciation of evidence by the inquiry authority, reiterated that the goods were transported from his brother-in-law’s residence, disputed the conclusions drawn from the NAAC security records, relied upon address proof and material furnished by the transporter, and asserted that material circumstances favourable to him had not been duly considered during the inquiry.

6. The appellate authority rejected the appeal by order dated 25th September, 2019. The said order records that the appellate authority had considered the appeal, the materials on record, the circumstances of the case, the decisions of the Executive Committee in its 84th and 85th meetings, the comments of the Director, NAAC, and the grounds on which the penalty was imposed. The order concludes that, upon consideration of the Petitioner’s conduct and the gravity of charges, the decision of the disciplinary authority was warranted and that the appeal was devoid of merit. For the sake of convenience, the appellate order is set out below:

“F.No.3-1/2019 (IUC)

25th September, 2019

Subject: Decision regarding appeal of Dr. Mohit Tiwari

WHEREAS the Disciplinary Authority, National Assessment and Accreditation Council (NAAC) vide Order No.NAAC/Admin/Dr.M.T./



2019/34514 dated 29th August, 2019 under Rule 11, Clause (viii) of CCS (CCA) Rules 1965;

WHEREAS aggrieved by the decision, Dr. Mohit Tiwari made an appeal to Appellate Authority, Chairman, UGC and President of the Council, NAAC vide his representation dated 29th August, 2019;

WHEREAS the relevant records and the comments of the Director, NAAC, on the appeal were submitted to Appellate Authority vide letter dated 9th September, 2019 in accordance with clause 5.3 of the Bye-laws of NAAC, AND WHEREAS in accordance with Section 5.4 of the NAAC Bye-Laws the undersigned being the Appellate Authority has considered the appeal of Dr. Mohit Tiwari and examined the materials on record, circumstances in this particular case, decision of the Executive Committee (NAAC) in its 84th and 85th meeting held on 9th July 2019 and 20th August 2019 respectively, comments of the Director, NAAC and the grounds on which the penalty was imposed:

NOW THEREFORE, after due consideration of the conduct of the said Dr. Mohit Tiwari and the grave nature of the charges, it has been observed that the decision of the Disciplinary Authority is warranted in the aforesaid case and the appeal is rejected being devoid of merit.

Hence, the following order:

ORDER

In exercise of the powers conferred by clause 5.4 Consideration of Appeal of the Bye-laws of NAAC, the undersigned hereby upholds the decision of removal of Dr. Mohit Tiwari, Assistant Advisor, NAAC from service with effect from 29th August, 2019 under Rule 11, clause (viii) of CCS (CCA) Rules 1965.

The orders of the Appellate Authority be implemented as per clause 5.4. of the Bye Laws of NAAC

**Appellate Authority
President NAAC Council"**

7. The Petitioner has also challenged the appellate order. Though arguments were addressed on several aspects of the inquiry and the material relied upon by both sides, the issue which presently persuades this Court is a narrower one. At this stage, the Court is not examining whether the charges stood proved, whether the inquiry authority correctly appreciated the evidence, or whether the penalty imposed was proportionate. Those questions would arise only if the decision-making process at the appellate stage is found to be legally sustainable.



8. Mr. Puneet Jain, Senior Counsel for the Petitioner, has also restricted his challenge to that order. It is urged that the appeal raised specific and substantive grounds, yet the appellate authority disposed of the matter by a general affirmation of the disciplinary order, without dealing with the substance of the Petitioner's challenge.

9. There is merit in this submission. The requirement of reasons is not an empty formality. It is one of the ways in which law ensures that power has been exercised after reflection rather than by mere endorsement. The appellate authority was neither required to write an elaborate order nor to reproduce the inquiry report or the disciplinary order; but where a major penalty of removal from service has been imposed and a statutory or institutional appeal has been preferred, the appellate authority must show that it has applied its mind to the principal grounds raised before it.

10. In *S.N. Mukherjee v. Union of India*¹, the Supreme Court held that, except where the requirement is dispensed with expressly or by necessary implication, an administrative authority exercising quasi-judicial functions must record reasons for its decision. The recording of reasons serves a salutary purpose: it ensures that the authority has given due consideration to the points in controversy, introduces clarity in the decision, and minimises the chances of arbitrariness in the decision-making process. The reasons may be brief, but they must be clear and explicit so as to disclose a rational nexus between the material on record and the conclusions reached, thereby enabling effective judicial review.

11. The principle has particular force in disciplinary appeals under service

¹ (1990) 4 SCC 594.



law. In ***R.P. Bhatt v. Union of India***², while construing Rule 27(2) of the CCS (CCA) Rules, the Supreme Court observed that the appellate authority is required to consider whether the procedure laid down in the Rules has been complied with and, if not, whether such non-compliance has resulted in violation of the Constitution or in failure of justice; whether the findings of the disciplinary authority are warranted by the evidence on record; and whether the penalty imposed is adequate. The Court emphasised that the requirement to “*consider*” these matters is not an empty formality; it implies “*due application of mind*” to each of the factors set out in the Rule.

12. Further, in ***Narinder Mohan Arya v. United India Insurance Co. Ltd. & Ors.***³, the Supreme Court held that although an appellate order affirming the disciplinary authority need not in every case be a detailed speaking order, it must nevertheless disclose that the appellate authority has applied its mind to the relevant factors and the contentions raised in the appeal. Where serious or material issues are urged by the delinquent, the appellate authority is required to assign reasons so as to indicate that such contentions have been duly considered. An order which merely affirms the penalty without reflecting due application of mind is liable to be set aside.

13. Tested on the above principles, the appellate order dated 25th September, 2019 cannot be sustained. The order merely records that the appeal and the record were considered, but does not disclose what was considered, whether the grounds urged by the Petitioner were examined, or how the conclusions were arrived at. It does not indicate that the appellate authority addressed the matters which it was required to consider under Rule

² (1986) 2 SCC 651.

³ (2006) 4 SCC 713.



27(2) of the CCS (CCA) Rules, namely, whether the findings of the disciplinary authority were warranted by the evidence on record and whether the penalty imposed called for interference. Nor does it reflect any application of mind to the contentions raised in the appeal. The order affirms the penalty on the basis of the “*grave nature of the charges*”, but the gravity of a charge is not a substitute for reasons, nor does it dispense with the requirement of showing due consideration of the issues in controversy.

14. This defect assumes importance because the appeal was not a bald plea for sympathy. It raised specific factual and procedural objections to the inquiry findings, including the appreciation of evidence and the circumstances relied upon by the disciplinary authority. Whether those objections ultimately merit acceptance is not for this Court to determine in the exercise of judicial review. However, the appellate authority was required to demonstrate that it had applied its mind to the principal grounds so raised. An order which merely records that all materials have been considered, and then affirms the penalty without indicating such consideration, falls short of the standard required in law.

15. The Court is conscious of the limits of judicial review in disciplinary matters. In proceedings under Article 226, the Court does not sit as an appellate authority over departmental findings. It does not re-weigh evidence. It does not substitute its own view for that of the disciplinary authority merely because another view may be possible.⁴ The Court interferes where the inquiry is vitiated by procedural unfairness, where relevant material has been ignored, where findings are unsupported by evidence, where the penalty shocks the conscience, or where the order



suffers from non-application of mind. The present interference is confined to the infirmity in the decision-making process, inasmuch as the appellate order does not disclose due application of mind.

16. During the course of hearing, reference was made to certain subsequent developments, including a fact-finding exercise stated to have been undertaken in relation to the Petitioner's case. NAAC objected to reliance upon that material. Since the matter is being remitted only on the ground that the appellate order does not disclose reasons, this Court expresses no opinion on the said material. It will be for the appellate authority to decide, in accordance with law, whether any such material can be looked into at all. If the appellate authority proposes to rely on any such material, the Petitioner shall be supplied a copy thereof and given an opportunity to respond.

17. In view of the above, the appellate order dated 25th September, 2019 is set aside. The appeal filed by the Petitioner against the order dated 29th August, 2019 is restored to the file of the appellate authority.

18. The appellate authority shall reconsider the appeal and pass a fresh reasoned order. The Petitioner shall be permitted to submit a concise supplementary note within two weeks from today, confined to the grounds already urged in the appeal and the material forming part of the disciplinary record. The appellate authority shall, in case necessary, afford the Petitioner an opportunity of hearing, either physically or through video conferencing mechanism, and thereafter decide the appeal within a period of eight weeks.

19. It is clarified that this Court has not expressed any opinion on the merits of the charges, the inquiry report, the disciplinary order, the

⁴ See: *B.C. Chaturvedi v. Union of India & Ors.* (1995) 6 SCC 749.



proportionality of punishment, the Petitioner's entitlement to consequential benefits, or the validity of any subsequent fact-finding material. All contentions of both parties are left open.

20. The writ petition is disposed of in the above terms.

SANJEEV NARULA, J

APRIL 25, 2026

nk/hc