
(1999) 05 AHC CK 0148

In the Allahabad High Court

Case No : Civil Miscellaneous Writ Petition No. 19445 of 1999

Jagdish Prakash

APPELLANT

Vs

Union of India & Ors.

RESPONDENT

Date of Decision : 11-05-1999

Acts Referred:

Citation : (1999) 05 AHC CK 0148

Hon'ble Judges : A.A.Desai, J and Krishna Kumar, J

Final Decision : Dismissed

Judgement

1. By Government Order dated 28101963 the Ministry of Food and Agriculture established AgroEconomic Research Centre in the University of Allahabad. Petitioner, who was Head of the Department of Commerce and Business Administration was assigned Exofficio to discharge the duty of the Director of the Centre. Petitioner since 1995 is performing the job. Thereafter certain development took place. On 751999 the Executive Counsel accepting the report authorised the Vice Chancellor to take the charge of the Director of the Centre. The ViceChancellor acted accordingly. Petitioner, therefore, approached to this Court.

2. The main theme of contention is that the entire action is concocted and motivated against the petitioner because of personal bias. It is also contrary and derogatory to the direction of the Central Government dated 451999. It is, therefore, urged that the action of ViceChancellor withdrawing the charge from the petitioner be quashed. Heard learned counsel for the petitioner at length.

3. Undoubtedly, the petitioner as a Director was not holding a regular assignment. It was not a substantive appointment. The petitioner was discharging duty as Exofficio Director being the Head of the Department of Commerce and Business Administration. No substantive or legitimate right has been accrued in favour of the petitioner. The petitioner owing to the change of the arrangement as made in the University cannot canvass any legitimate grievance.

4. Submission of Mr. Ashok Khare is that no show cause notice or enquiry was held against the petitioner. The action is, therefore, bad in law. This submission is without any merit. Withdrawal of the charge of Director from the petitioner was not by way of penal action nor it is an outcome to the disciplinary proceedings. As such the petitioner was not entitled to any notice in compliance of the principle of natural justice. The action impugned does not intend civil consequence so far as the petitioner is concerned. We, therefore, do not propose to entertain the petition.

5. The petition is, therefore, dismissed.