

(1997) 06 KAR CK 0045

In the Karnataka High Court

Case No : Writ Petition No's. 12746 of 1994 connected with Writ Petition No's. 21393 of 1994 and 28274 of 1996

J.R. Ramamurthy

APPELLANT

Vs

Kannada Vishwavidyalaya, Hampi and Others

RESPONDENT

Date of Decision : 24-06-1997

Acts Referred:

Constitution of India, 1950 — Article 226
Kannada University Act, 1991 — Section 13, 14 (4), 23 (19)
Karnataka Universities Act, 1976 — Section 12

Citation : (1997) ILR (Kar) 2158

Hon'ble Judges : H.L. Dattu, J

Bench : Single Bench

Advocate : Sri Ravivarma Kumar, for the Appellant; Sri M. Ashwathnarayana Reddy, for the Respondent

Judgement

1. These three petitions could be disposed of by a common order, since the parties involved in these three petitions are common and the basic issue involved is the correctness or otherwise of domestic enquiry proceedings against the petitioner by his employer.

2. One Sri J.R. Rama Murthy, Chief Librarian, who was working in Kannada Viswavidyalaya, Hampi, Bellary District, questions the legality or otherwise of initiation of domestic enquiry proceedings by the Registrar of the University at the behest of the Vice-Chancellor of the University. The action of the Vice-Chancellor is questioned on the ground that under the Kannada University Act, the Vice-Chancellor has no jurisdiction and authority to initiate disciplinary proceedings against staff and non-staff members of the University. Secondly, the action is arbitrary, capricious and without just cause. Lastly, on the ground that the charges in the charge memo served on the petitioner are vague and therefore there was no reasonable opportunity to show cause against the charges alleged and it has occasioned failure of justice and the employee was misled in his defence.

3. In order to understand the controversy pleaded in the petition, it would be useful to briefly refer to the facts as pleaded by the petitioner. The petitioner was working as a Chief Librarian in the respondent-University. It is the only University of its kind in the entire State. The University is established for furthering the advancement of learning and prosecution of research in Kannada. The objects of this University is to function as a high level research centre in Kannada language and literature, to impart training to those residing within and beyond India who desire to study Kannada language and literature and also various other objects.

4. Petitioner, prior to his appointment as a Chief Librarian in the University, was working as Consultant, Information Centre, at Deccan Herald Newspaper Office, Bangalore, drawing a salary of Rs 10,360/-. On the invitation of the Vice-Chancellor of the University, petitioner resigned his lucrative job with the sole intention of contributing his mite in building up good Kannada Library joined the respondent-University as a Chief Librarian with a lesser salary of Rs. 8,300/-. In the beginning relationship between the petitioner and the 2nd respondent who is the Vice-Chancellor of the University was extremely cordial and for the reasons best known to the parties just in a span of two years from the date of appointment, the relationship was strained to the extent that the petitioner alleges in his petition that it has culminated in initiating disciplinary action against the petitioner by issuing a charge memo dated 29-1-1994. The charge memo is signed by the Registrar of the University and the preamble of the charge memo clearly states that the same is issued at the direction of the Vice-Chancellor of the University. There were nearly eight charges. Along with the charge memo, petitioner was also served with the imputation of misconduct. The charge memo came to be replied by the petitioner by his defence statement dated 7-2-1994 denying all the charges alleged in the charge memo. Not being satisfied with the explanation offered, the respondent-University appointed an Inquiry Officer to hold an enquiry against the charge-sheeted Officer. Since the petitioner was not permitted to engage the services of a Legal Practitioner, the petitioner approached this Court inter alia seeking a writ to quash the entire proceedings including the initiation of domestic enquiry proceedings by framing charges as per the charge memo dated 29-1-1994 and to restrain the respondents from holding any disciplinary enquiry against the petitioner. This Court while entertaining the petition had granted an interim order as sought for by the petitioner and the same came to be modified by a subsequent order dated 12-7-1994 and the Court permitted the Enquiry Officer to proceed with the enquiry, but restrained him from submitting his report without the permission of the Court. By yet another order dated 19-7-1996 the Court modified its earlier order permitting the Enquiry Officer to submit his report to the respondent-University and the University was permitted to take a final decision on the basis of such report in accordance with law and any final order passed shall not be implemented till the final disposal of the writ petition. Pursuant to this order the respondent-University, after accepting the findings of the Enquiry Officer, proceeded to pass an order dismissing the petitioner from the services of the

University as a Chief Librarian by their order dated 21-3-1996. It is this order which is the subject-matter of Writ Petition No. 28274 of 1996. At this stage it is relevant to state that during the domestic enquiry proceedings, petitioner was kept under suspension pending enquiry by an order dated 11-7-1994. The correctness or otherwise of the said order is the subject-matter of other Writ Petition No. 21393 of 1994.

5. Let me take up first, the issues and questions of law canvassed in W.P. No. 12746 of 1994. Sri Ravivarma Kumar, learned Counsel for the petitioner at the outset would submit that the initiation of disciplinary proceedings against the petitioner by the Vice-Chancellor is one without jurisdiction and without authority of law. In support of this contention, he relies upon sub-section (19) of Section 23 of Kannada University Act, 1991 ("the Act" for short) and also Clause 62 of the University Statutes. That apart, the learned Counsel strongly submits that the initiation of proceedings by the Vice-Chancellor smacks of arbitrariness, legal malice, capricious and is without just cause. In support of his contention, the learned Counsel takes me through several paragraphs in the pleadings which is not even denied by the respondents. He also points out to one of the posters displayed in the University Library Hall where petitioner functions as Chief Librarian and submits that the language employed in the posters clearly demonstrates the personal spite, ill-will and spirit of vengeance that the 2nd respondent had nourished against the petitioner for questioning some of his actions as a Vice-Chancellor in the University and submits that it is the "ill-will" which is the indirect motive to initiate domestic enquiry proceedings. Lastly, the learned Counsel contends that the allegation in the charge memo is vague and therefore the petitioner was denied a reasonable opportunity to show cause against the imputation of misconduct.

6. Respondents have filed their statement of objections. Second respondent-Vice-Chancellor of the University against whom mala fides are alleged by the petitioner has not chosen to file any counter-affidavit.

7. Sri Ashwathnarayana Reddy, learned Counsel for the respondent-University and other respondents contends that Vice-Chancellor by exercising his general powers u/s 14 of the Act can initiate disciplinary proceedings against teaching and non-teaching staff in the University and thereafter report the matter to the Executive Council which is the authority empowered to initiate domestic enquiry proceedings for its ratification. To demonstrate that the action of the Vice-Chancellor in initiating domestic enquiry against the petitioner has been ratified by a resolution passed by the Syndicate, the learned Counsel invites my attention to the resolution of the Syndicate dated 1-3-1994. Insofar as the mala fides alleged by the petitioner against the Vice-Chancellor, learned Counsel submits that by publishing posters in the Library Hall no aspersion or character assassination is committed by the Vice-Chancellor and the posters were only in the form of advice to the petitioner to be a good librarian. Further the learned Counsel submits that this Court cannot go into allegations made by the petitioner

with regard to mala fides, victimisation, etc., while exercising its powers under Article 226 of the Constitution. Lastly, submits that Section 12 of the Karnataka Universities Act, 1976 is more or less identical with Section 14 of the Kannada University Act and in that view of the matter, the Vice-Chancellor has the inherent powers during emergency or extraordinary situation to take up such action to maintain proper discipline in the university. In support of his contention, he relies upon certain observations made by the Supreme Court in *The Vice-chancellor, Jammu University and Another Vs. Dushiant Kumar Rampal*, .

8. In my view, this is an unfortunate episode involving two respectable and responsible citizens of this State who had the best intention when they took up cudgels to develop Kannada language and literature. The cordial relationship did not last long. Registrar of University was directed by Vice-Chancellor to initiate disciplinary proceedings against the petitioner by framing 8 charges. The charge memo, imputation of misconduct and list of documents dated 29-1-1994 came to be served on the petitioner. Some of the charges are with regard to causing financial loss to the University and also failing to perform the duties as Chief Librarian. On receipt of the articles of charges, the petitioner has filed his written statement of defence dated 7-2-1994 denying the charges. At the earliest point of time the petitioner had not intimated the authorities that the charges alleged against him in the charge memo are so vague that he is prevented from effectively replying the same. In fact, a reading of the reply filed by the petitioner would give an indication that the petitioner did understand all the charges alleged against him in the charge memo. In that view of the matter it cannot be said that the charges alleged in the charge memo are vague and devoid of any particulars which prevented the delinquent from effectively offering his explanation. No doubt that the charge-sheet must be specific and must set out all material particulars and whether the charges are vague or not have to be examined in the light and circumstances of each case. The test is whether the charge conveys to the charge-sheeted officer the exact nature of the alleged offence, in a way that would enable him to meet the charge. Reading of the charge memo dated 29-1-1994 makes it clear that it is capable of being understood and is sufficiently definite for the delinquent official to make effective representation. One of the important circumstances to infer that the charge-sheeted officer understood the charge, is the reply of the official himself to the charge-sheet. When the official gives an elaborate explanation, then the official cannot later on say that the charge in the memo was vague or so general as to make it impossible for making effective representation. That apart, objection about the vagueness of the charges was not raised by the official before the disciplinary authority and he cannot be permitted to raise for the first time in these proceedings. In my view, in disciplinary matters it should be sufficient if the person proceeded against is told what is in substance the accusation against him, in a way that would enable him to meet the charge. In my view in the present case charge memo is definite and specific and there is no vagueness whatsoever and delinquent employee was not prejudiced in any manner

whatsoever and therefore it cannot be said that thy entire enquiry proceedings are vitiated in view of the vagueness of the charges.

9. Now coming to the primary question raised in this petition with regard to the authority of the Vice-Chancellor to initiate disciplinary proceedings is concerned, the respondent-University has its own Act known as Kannada University Act, 1991. Section 13 of the Act speaks of appointment of the Vice-Chancellor. Section 14 of the Act envisages the powers and duties of the Vice-Chancellor. Section 14 is an important provision for deciding the issues raised in these petitions. Therefore, the same is extracted and it reads as under:

"14. Powers and duties of the Vice-Chancellor.--(1) The Vice-Chancellor shall be the academic head and the principal Executive Officer of the University and shall in the absence of the Chancellor and Pro-Chancellor, preside at any convocation of the University and confer degrees, diplomas or other academic distinctions upon persons entitled to receive them. He shall be a member ex officio and Chairman of the Governing Council, the Executive Council and the Finance Committee and shall be entitled to be present at and to address any meeting of any authority of the University but shall not be entitled to vote there at unless he is a member of the authority concerned.

(2) It shall be the duty of the Vice-Chancellor to ensure that the provision of this Act and the statutes are observed and carried out and he may exercise all powers necessary for this purpose.

(3) The Vice-Chancellor shall have power to convene meeting of the Governing Council, the Executive Council and the Finance Committee.

(4)(a) The Vice-Chancellor shall have power to take action on any matter and shall by order take such action as he may deem necessary but shall, as soon as may be thereafter report the action taken to the Officer or authority or body who or which would have ordinarily dealt with the matter:

Provided that no such order shall be passed unless the person likely to be affected, has been given a reasonable opportunity of being heard;

(b) When action taken by the Vice-Chancellor under this sub-section affects any person in the service of the University such person shall be entitled to prefer an appeal to the Executive Council within thirty days from the date on which he has notice of such action. The Vice-Chancellor shall give effect to the order passed by the Executive Council on such appeal.

(5) The Vice-Chancellor shall give effect to the orders of the Executive Council regarding the appointment, suspension and dismissal of the teachers and other employees of the University.

(6) The Vice-Chancellor shall exercise control over the affairs of the University and shall be responsible for the due maintenance of the discipline in the University.

(7) The Vice-Chancellor shall exercise such other powers and perform such other duties as may be prescribed".

10. Sub-section (4)(a) of Section 14 of the Act says that the Vice-Chancellor shall have the power to take action on any matter and shall by order take such action as he may deem necessary but shall, as soon as may be thereafter report the action taken to the officer or authority or body who or which would have ordinarily dealt with the matter. The proviso appended to the sub-section says that the Vice-Chancellor shall not pass any order to take any action unless the person likely to be affected has been given a reasonable opportunity of being heard in the matter. Sub-section (4)(b) of Section 14 provides for an appeal remedy before the Executive Council against the action taken by the Vice-Chancellor under sub-section (4)(a).

11. The Executive Council in the University is constituted by the Chancellor of the University. The Vice-Chancellor will be an ex officio Chairman of the Executive Council. The powers of the Executive Council is enumerated u/s 23 of the Act. Amongst various powers the Executive Council has the powers to suspend and dismiss the teaching and non-teaching staff of the University. This power is found under sub- section (19) of Section 23 of the Act. The same reads as under:

"23. Powers of the Executive Council.--The Executive Council shall have the following powers, namely:

(19) To suspend and dismiss the University Lecturers, University Readers, University Professors, University Researchers and the teachers and other employee of the University;"

Sections 31 and 32 of the Act provides for framing of statutes. Clause"62 of the University Statues provides for powers of the Executive Council, one such is the suspension and dismissal of the teaching and non-teaching staff of the University. It says that if necessity arises the Executive Council may initiate disciplinary proceedings, suspend and dismiss from service the teaching and non-teaching staff of the University.

12. Having noticed the relevant provisions, let me now once again notice the contention of the learned Counsel for the parties to the lis. Sri Ravivarma Kumar for petitioner contends that the Vice-Chancellor has no jurisdiction nor authority under the Universities Act to initiate disciplinary proceedings against the petitioner who is an official in the University. According to the learned Counsel, it is the Executive Council and the Council alone can initiate disciplinary proceedings, suspend, and dismiss both teaching and non-teaching staff of the University in view of sub-section (19) of Section 23 of the Act and Clause 62 of the University Statutes. Sri Ashwathnarayana Reddy, learned Counsel for the University strongly relies upon Section 14 of the Act, to contend that the Vice-Chancellor can initiate any action as he deems it necessary including disciplinary action against the employees of the University and according to the learned Counsel only rider attached to this power is that after taking such action he must

report the same to the authority or body which would have ordinarily dealt with the matter, in the present case Executive Council, for ratification of his action. Insofar as the proviso appended to the sub-section is concerned, the learned Counsel would submit since in the present case the delinquent would get enough opportunity before the Enquiry Officer, the question of hearing him would not arise at the time of passing an order to take action. Further justifying the action of the Vice-Chancellor, the learned Counsel submits that the Vice-Chancellor after initiating disciplinary proceedings against the petitioner had reported his action to the Executive Council and the same has been ratified by the Council by its resolution dated 1-3-1994 and in view of that he submits that there is neither illegality nor any invalidity in initiating domestic enquiry proceedings by the Vice-Chancellor against the petitioner. To buttress his submissions the learned Counsel refers to the powers of the Vice-Chancellor under the Karnataka Universities Act, 1976.

13. Having given my anxious consideration to this particular issue, I am of the view that the Vice-Chancellor has the power to take any action on any matter as he may deem necessary in the best interest of the University, subject to certain conditions. The Vice-Chancellor is the academic head and Principal Executive Officer of the University. He is also ex officio member and Chairman of the Governing Council, the Executive Council and the Finance Committee. The executive powers are exercised by him for efficient functioning of the University. The Vice-Chancellor has emergency powers also, that is, he can take any action on any matter and by order take such action as he deems necessary. This is once again in the interest of the University affairs and its administration. The Vice-Chancellor can exercise as the Principal Executive Officer which any other officer or authority, or body of the University competent to do so under the Act, or the University Statutes. But the power is hedged with a condition as provided in the proviso to sub-section. The Vice-Chancellor can exercise this power under this Act only after affording a reasonable opportunity of being heard to the person likely to be affected by such an action and further as soon as possible report the action taken by him to the authority of the University which is competent to do so under the Act and the University Statutes, in the present case, to the Executive Council, may be for information, approval or ratification. The Act is silent on this aspect and an appeal is provided against the action taken by the Vice-Chancellor to the Executive Council, to the affected persons to prefer an appeal within thirty days from the date on which he has notice of such action. The orders passed by the Executive Council in such appeal will be given effect to by the Vice-Chancellor. Let us see from the facts pleaded and the defence taken by the respective parties to this lis.

14. Respondent-University in its statement of objections filed before this Court on this issue has stated as under:

"The powers and duties of the Vice-Chancellor are clearly contained in Section 14 and sub-section (4)(a) empowers the Vice-Chancellor to take any action. It

further requires the action taken has to be reported to the concerned officer or authority. Therefore the contention that it is only at the instance of the syndicate the departmental proceedings should be initiated is not correct. But however in the present case the initiation of action taken by the Vice-Chancellor is in fact as a consequence of the decision of the syndicate based on the report of the Library Committee. The recent resolution of the Syndicate authorising the Vice-Chancellor to take all steps against Librarian within the limits of law as early as possible. A true copy of the said resolution is enclosed herewith and marked as Annexure-R1. The petitioner is trying to read Section 23(19) and Section 14(5) only and contending that Vice-Chancellor cannot himself initiate any disciplinary proceedings. But reading of other sub-sections clearly does not permit such an interpretation as tried to be made out by the petitioner".

In the statement of objections, the defence of the University seems to be that the Vice-Chancellor had initiated disciplinary proceedings against the petitioner as a consequence of decision of the Syndicate based on the report of Library Committee, but Sri Reddy, the learned Counsel appearing for the University vehemently contends that the Vice-Chancellor after initiating disciplinary proceedings against the petitioner had reported the action taken by him to the Executive Council, the authority who would normally deal with the matter. In support of that he relies upon the resolution passed by the Executive Council of the University dated 1-3-1994. The said resolution is in Kannada. The translation is as under:

"A direction is issued to the Vice-Chancellor that in the disciplinary proceedings conducted by the University against the Chief Librarian of the University all possible disciplinary proceedings should be taken at the earliest without giving room for any legal hurdles but under the provisions of Universities Act and the Statutes".

15. The statement which is filed by respondents 1 and 2 on oath says that the Vice-Chancellor has initiated disciplinary enquiry proceedings as a consequence of the decision of the Syndicate based on the report of the Library Committee whereas its learned Counsel says that Vice-Chancellor after taking decision to initiate disciplinary proceedings and after issuing a charge memo dated 29-1-1994 against the petitioner had reported the action taken by him to the Executive Council for its ratification. The objection statement of respondents 1 and 2 and the legal contention of its Counsel are totally in variance. In fact they are diagonally opposite. I do not know how the University's learned Counsel can take such contention before this Court without even noticing what has been said by them in their statement of objections. Be that as it may, a reading of sub-section (4)(a) of Section 14 of the Act shows that it gives general powers to the Vice-Chancellor. The power may include power to initiate domestic enquiry proceedings, power to suspend and dismiss an employee of the University from service. After taking such action by passing an order, it is for the Vice-Chancellor to report the action to the authority which ordinarily deals with the matter, in the

present case, Executive Council. The Act further obligates him that before taking such an action, he should afford an opportunity of being heard to the aggrieved person. In the present case, the Vice-Chancellor after initiating the disciplinary enquiry proceedings against the delinquent official did not report his action to the Executive Council. In fact, the resolution of the Executive Council only says that the Vice-Chancellor is directed to take all such disciplinary action against Chief Librarian (petitioner) in accordance with law and as authorised under the University Act and the statutes. This resolution is dated 1-3-1994, much later from the date of issue of the charge memo. This resolution by no stretch of imagination could be considered as an act of approval or ratification by the Executive Council of the University as contended by its learned Counsel.

16. In my view Section 23 of the Act gives special powers to the Executive Council. It is the Executive Council which has to take action against the erring officials of the University either to initiate disciplinary proceedings or to keep them under suspension pending enquiry or to dismiss them from service of the University. This position is reiterated even in the University statutes which is framed by the University exercising its powers under Sections 31 and 32 of the Act. In my view it is only under extraordinary circumstances and situations and in an emergency the Vice-Chancellor may take any action on any matters concerning with the University by making an appropriate order, but the Act make it mandatory for the Vice-Chancellor to send the report to the authority or body which ordinarily deals with the matter. Further this action can be taken by the Vice-Chancellor only after affording an opportunity of being heard to the affected person. In the instant case, Vice-Chancellor after initiating disciplinary proceedings by framing charges against the petitioner has not sent the report to the Executive Council and before taking such an action against the delinquent did not afford him an opportunity of being heard in the matter. In my view the entire action of the Vice-Chancellor is contrary to the provisions of Section 14 of the Kannada University Act and violative of rules of natural justice. Since the action of the Vice-Chancellor is opposed to the principles of natural justice, petitioner can approach this Court for necessary redressal without filing an appeal as provided in sub-section (4)(b) of Section 14 of the Act.

17. Deliberate intention on the part of the 2nd respondent to do wrong without any justification is highlighted in the pleadings filed by the petitioner. Apart from making allegations of malice in law, the allegations of malice in fact is made in the petition. Ill-will, personal spite, spirit of vengeance and indirect motive to initiate disciplinary proceedings is graphically described in the petition. Sufficient and cogent material is produced before this Court to contend that Vice-Chancellor has acted arbitrarily, capriciously and without any cause or justifications. Respondents do understand these allegations, but they only say in their statement of objections as under:

"The main contention of the petitioner appears to be based on the alleged mala fide action on the part of the respondent 2. The entire writ petition contains only

allegations against respondent 2 personally and the ill-will alleged against respondent 2 nor the various allegations against the respondent 2 can be gone into by this Hon''ble Court. In fact the major part of this writ petition reads like a criminal complaint against respondent 2 and it would be better for the petitioner to get his complaints against respondent 2 adjudicated properly before appropriate forum. In any case this Hon''ble Court could not Adjudicate the same and as such the consequential prayer in the writ petition is also not maintainable.

The correspondence as mentioned in Annexures-D, E, F and G do not in any way go to prove any hostile attitude or mala fides on the part of the second respondent. The presumption that it is the second respondent who was responsible for posting or fixing Annexures-J, K and L is again not correct and that has nothing to do with any personal attack and character assassination. It is in fact some good saying for the benefit of all concerned. In any case there is no need for the respondent 2 to indulge in such character assassination as is presumed by the petitioner".

18. Petitioner has impleaded the Vice-Chancellor by name as one of the respondents in the petition. The allegations that are made in the writ petition are against the Vice-Chancellor personally. In fact the petitioner after verifying with the Registrar of the University about the person at whose instance the respondents have displayed the posters, has stated that the same was done at the instance of the Vice-Chancellor. These allegations are not denied by the Vice-Chancellor, but the Registrar of the University has filed his objections to the petition and in that he only states that the correspondence and posters do not cast aspersions on the character of the petitioner. A reading of the correspondence and the posters that the petitioner has enclosed as annexures to the writ petition would definitely indicate that the same is not "some good saying for the benefit of all concerned". In fact they are derogatory in nature touching on the character of the petitioner. When a particular authority is charged with mala fides then he should personally rebut the allegations by filing his affidavit. When they are made out by acceptable evidence the same cannot be ignored by the Vice-Chancellor as irrelevant. The same has to be disproved only by the party against whom the allegations are made denying the same on oath and not by the Registrar of the University and his statement would be only hearsay evidence. The affidavit of the Registrar is not sufficient to rebut ample evidence produced by the petitioner to demonstrate the act of victimisation and deliberate intention to do wrong without justification. In my view a responsible Vice-Chancellor could not have stooped down to such a low level to print, publish and display the posters in the Library Hall against his own subordinate staff which has such insinuating remarks, but the Registrar of the University says that it is a "good saying for the benefit of all concerned". I do not know what goodness is there in these posters. If this could be considered as good then I do not know what is bad at all. In my view, these highly placed authorities are expected to rise above the ordinary mortals and at any rate they cannot be expected to behave like urchins.

In view of all this, it can be safely said that the initiation of proceedings by respondents 1 and 2 against the petitioner is only because of personal animosity and because of strained relationship between the parties. Having come to the conclusion that the initiation of disciplinary enquiry proceedings by the Vice-Chancellor against the petitioner is contrary to the provisions of Kannada University Act, 1991, and having come to the conclusion that it lacks bona fides the entire proceeding require to be quashed by this Court.

19. For the reasons stated, Writ Petition No. 12746 of 1994 is allowed. Rule made absolute. The initiation of disciplinary proceedings by the Vice-Chancellor-2nd respondent by issuing a charge memo dated 23-1-1994 is quashed. Petitioner is entitled for costs of this litigation which is quantified at Rs. 5,000/-. University shall pay the costs to the petitioner within two months from the date of receipt of a copy of this order.

20. Since I have quashed the initiation of disciplinary enquiry proceedings itself, I need not have to refer to the other two writ petitions wherein the petitioner has questioned the legality or otherwise of order of suspension pending enquiry and the order of dismissal from service made by the University. As the petitioner succeeds on both the grounds, Writ Petition No. 21393 of 1994 requires to be allowed wherein the petitioner has questioned the order of suspension passed by the University as also with Writ Petition No. 28274 of 1996 wherein the petitioner questioned the order of dismissal dated 21-3-1996. Accordingly, it is allowed and the impugned order of suspension dated 11-7-1994 and the order of dismissal dated 21-3-1996 are quashed. Lastly, a direction is issued to the respondent-University not to implement the order of dismissal from service made against the petitioner. Insofar as reinstatement of the petitioner into service and the monetary and service benefits are concerned, he may be entitled to in view of quashing the entire disciplinary proceedings, the same is left to the University to decide the same in accordance with law. Further liberty is reserved to the University if they so desire to initiate proceedings against the petitioner for the alleged misconduct in the charge memo in accordance with law-University Act and the Statutes. Ordered accordingly.