

(2023) 01 UK CK 0100

In the Uttarakhand High Court

Case No : Writ Petition (S/B) No. 20 Of 2023??

Professor Roop Kishor Shastri

APPELLANT

Vs

University Grants Commission And Others

RESPONDENT

Date of Decision : 13-01-2023

Acts Referred:

Central Civil Services (Classification, Control & Appeal) Rules, 1965 & Rule 14
University Grants Commission (Institutions Deemed To Be Universities) Regulations,
2019 — Regulation 10.12.1(ii)

Citation : (2023) 01 UK CK 0100

Hon'ble Judges : Vipin Sanghi, CJ; Alok Kumar Verma, J

Bench : Division Bench

Advocate : Ajay Veer Pundir, Nikhil Sabri, Aditya Singh

Judgement

Vipin Sanghi, CJ

1. Issue notice.
2. Counsel for the respondents appear and accept notice.
3. The petitioner has preferred the present petition, firstly, to challenge the charge-sheet issued to him under Rule 14 CCS (CCA) Rules, 1965, on 28.12.2022, on the ground that respondent No. 4, the Chancellor, has misused his position and is acting mala fide against the petitioner, and the communication dated 10.01.2023 issued by respondent No. 7, the Joint Secretary of the UGC in relation to the Chancellor-respondent No. 4.
4. Respondent No. 4 was appointed as the Chancellor by the sponsoring body of the said Deemed to be University. The appointment of the Chancellor was made in terms of Regulation 10.12.1 (ii) of the University Grants Commission (Institutions Deemed to be Universities) Regulations, 2019, by the sponsoring body on 30.05.2018. The petitioner was serving as the Vice-Chancellor of the respondent Gurukula Kangri (Deemed to be University), Haridwar.

5. The relevant Regulation in relation to the Chancellor read as follows:

- i. The Institution Deemed to be University shall have a Chancellor who shall, when present, preside over the convocations of the Institution Deemed to be University but shall not be the Chief Executive Officer.
- ii. The Chancellor, who shall be appointed by the sponsoring body, shall hold office for a period of 5 years from the date of first assuming office, and shall be eligible for reappointment for one more term."

(emphasis supplied)

The above would show that the Chancellor is not the Chief Executive Officer of the Deemed to be University, and he owes his appointment to the sponsoring body.

6. The petitioner has made averments and allegations of mala fide conduct on the part of respondent No. 4. On that premise, the charge-sheet issued to him has been put to challenge.

7. So far as respondent No. 4 is concerned, the case of the petitioner is that the sponsoring body, which is the Appointing Authority of the Chancellor, has passed a resolution to remove respondent No. 4 from the position of Chancellor, on 01.01.2023. From the impugned communication dated 10.01.2023, issued by the Joint Secretary of the UGC, it appears that the said resolution was forwarded to the UGC, and the UGC has issued the following communication on 10.01.2023:

"Sub : Resolution of the Board of Management, Gurukula Kangri Vidyapeeth (Deemed to be University), Haridwar (Uttarakhand).

Sir,

This is with reference to the letter received from the Vice-Chancellor, Gurukula Kangri Vidyapeeth (Deemed to be University), Haridwar, regarding the resolutions adopted in the meeting of the Board of Management held on 06.01.2023 (copy enclosed). The Board of Management has unanimously resolved that the Chancellor's resignation should not be accepted, and he should remain in the chair. Further, UGC is also in receipt of representations from the Teachers Association and Shikshkettar Karamchari Union of Gurukula Kangri Vishwavidyalaya, alleging serious violations in the functioning of sponsoring bodies which are being looked into by UGC. UGC does 100% funding to the institute, and that in light of the disturbing developments under the former Vice-Chancellor, it is imperative that the Chancellor continues.

In view of the above, the sponsoring bodies are hereby informed that the Chancellor, Dr. Satya Pal Singh, may continue in office until a final decision is taken on the matter. Please take necessary action accordingly and intimate UGC of the action taken in the matter."

8. The submission of the petitioner is that the UGC has, while passing the

aforesaid order dated 10.01.2023, made allegations against the petitioner while observing – "...that in light of the disturbing developments under the former Vice-Chancellor, it is imperative that the Chancellor continues." The reference in this communication to the former Vice-Chancellor, is to the petitioner.

9. We have enquired from learned counsel for the UGC, as to under what authority the UGC is interfering with the decision taken by the sponsoring body, which is the Appointing Authority of the Chancellor. Being the Appointing Authority, it goes without saying, that the sponsoring body also has the power to remove the appointee. The submission of learned counsel for the UGC is that the said communication contains only the recommendation of the UGC.

10. The allegations against respondent No. 4, as found in the resolution passed by the sponsoring body may now be noticed from the order / resolution dated 01.01.2023 passed by the sponsoring body. They read as follows:

11. It is unfortunate that such high ranking authorities, i.e., the petitioner on the one hand, and respondent No. 4 on the other hand - in the aforesaid Deemed to be University, are involved in disputes, and there are allegations and counter-allegations being made by them. We may observe that other high functionaries of the respondent Deemed to be University are also drawn in the ongoing battle, and allegations have also been made against them by one or the other party.

12. With a view to bring the situation under control, and settle the completely unsettled position prevailing, as on date, in the respondent Deemed to be University, we are of the view that an oversight is necessary into the functioning of the quarreling senior functionaries of the said Deemed to be University. With that objective, we appoint Mr. Justice V.K. Bist, Retired Chief Justice, Sikkim High Court, to act as an observer / Ombudsman. All actions taken by the management of the respondent Deemed to be University – including the sponsoring body; the Board of Management; the Chancellor; the Vice-Chancellor; the Acting Vice-Chancellor, and; the Registrar, in relation to the allegations against the petitioner; the Chancellor, and; other authorities of the Deemed to be University, shall first be placed before Mr. Justice V.K. Bist, and only after his approval, the same shall be given effect to, and his decision on all such matters shall be final. For the services that Mr. Justice Bisht may render, he shall be paid rupees one lakh per month by the respondent Deemed to be University. He may call for replies / responses, documents and records and all concerned persons, and Deemed to be University, shall comply with his directions in this regard. Justice Bist may file his status report before this Court before the next date.

13. Counter-affidavit be filed on behalf of respondent No. 1. The Chairman of the University Grants Commission shall file his own affidavit.

14. List the matter on 06.03.2023.