
(1984) 04 AHC CK 0025
In the Allahabad High Court
Case No : Writ Petition No. 3084 of 1983

Smt. Shraddha Kumari

APPELLANT

Vs

Lucknow University and Others

RESPONDENT

Date of Decision : 26-04-1984

Acts Referred:

Constitution of India, 1950 — Article 226

Uttar Pradesh State Universities (Presidents) Act, 1973 — Section 21(1), 21(8), 49

Citation : AIR 1985 All 71

Hon'ble Judges : Sharma, J;R.C. Deo, J;K.N. Goyal, J

Bench : Full Bench

Advocate : S.D. Singh and Robin Mitra, for the Appellant; Brijesh Kumar, for the Respondent

Final Decision : Disposed Of

Judgement

K.N. Goyal, J.—The petitioner is Head of the Department and Dean of the Faculty of Law in the Lucknow University since July, 1981. The Deanship rotates every three years. She had earlier also held this post between 1972 and 1976. The Executive Council of the University has set up an inquiry against her, and this writ petition has been directed against the said decision of the Executive Council.

2. The relevant facts are as follows : --

On 8-9-82 the Vice-Chancellor (opposite party No. 2) wrote to the petitioner that the employees of the law faculty had complained that they had not received their salary for the month of August in due time. He asked her for reasons why the bills had not been signed by her. This letter is annexure-6 to the petition. She replied to the Vice-Chancellor the same day, vide annexure-7, pointing out that it was because of the fault of the Assistant Office Superintendent Sri G. D. Tandan that the payment of salaries was delayed. No decision had been taken by the Vice-Chancellor himself on the question whether salary was to be paid to the employees for the strike period or not. This had also delayed the matter. She also suggested the suspension of Sri Tandan to be ordered by the Vice-Chancellor.

3. Then on 7-1-83 the Vice-Chancellor passed an order appointing a committee of two persons, Sri H. K. Seth and Sri Jiwan Kaul (opposite parties 9 and 7 respectively), to look into the working and allied matters of the Law Faculty. This is annexure-8. The petitioner's grievance is that her suggestions for disciplinary action against Sri Tandan and for decision on the question whether salary was to be paid for the strike period or not had not been looked into, and instead, an inquiry was set up into the working of the Faculty, indirectly putting the petitioner in the dock.

4. On 25-2-83 the petitioner was subjected to a "Gherao" in the University campus itself and was assaulted by some students. Her car was also damaged. She thereupon suspended five students.

5. On 5-3-83 a meeting of the Executive Council of the University took place. Its agenda is annexure-10. The agenda did not deal with the matter. However the Vice-Chancellor on his own apprised the Executive Council of the situation in the Law faculty. The Executive Council authorised the Vice-Chancellor to deal with the situation arising out of the suspension of the said five students. The Executive Council also appointed a committee to help the Vice-Chancellor. This committee was to consist of Sri M. M. Siddhu, Sri Lallu Singh and Sri H. K. Seth. Sri Lallu Singh is no more, while Sri Seth is opposite party No. 9. On 6th or 7th March the suspension of the five students was withdrawn after taking from them some sort of apology. According to the petitioner she was pressurised by the Vice-Chancellor into taking this soft line. The Executive Council which met again on March 9, 1983, appointed another committee consisting of Sri Sridhar Misra, a senior advocate, as Chairman and opposite parties 6 to 9 as members for considering the entire working of the Law Faculty and suggesting short-term and long-term measures for its improvement. The said committee was to report within six months. Out of the members of this committee, opposite parties 6 to 9 were members of the Executive Council including Sri Lallu Singh who having died during the pendency of the writ petition is no longer on the record but Pandit Sridhar Misra was an outsider. Sri Misra has however been associated with University bodies for a long time in the past and is also President of the Oudh Bar Association. The Vice-Chancellor's letter to him is on the record and it shows that he was specially requested to head the committee in view of his eminence and past association with the University.

6. The decision of the Executive Council is contained in annexure-1.

7. The committee submitted an interim report on 12-4-83 and another on 24-4-83. These are annexures 12A and 12B to the writ petition. In the first interim report the committee said that it had received complaints of financial irregularities committed by the petitioner. Those complaints had been referred to the Finance Officer for inquiry. The committee promised to examine the matter further after receiving the report of the finance officer.

8. The committee also invited various suggestions from the teachers of the

faculty for improvement in the standard of teaching of law. These suggestions were to be examined by it later. In the meantime the committee have received complaints against the petitioner regarding negligence in teaching work by her and in attendance to her office duties and regarding allotment of tutorial work to the teachers and harassment and victimisation of the teachers considered by her to be disloyal to her. Complaints had also been received by the committee regarding irregularities in admissions to the LL. B. (1st year class). The committee further noted that the petitioner had earlier assured the committee that she would be attending her office for two hours on each working day and that she would make available to it all the records relating to these admissions. She had not fulfilled this assurance and had been avoiding delivery of the records for scrutiny by the committee on one excuse or another. Her attitude, the committee complained, had been non-co-operative. The committee felt that in the circumstances the matter could be properly dealt with if a disciplinary committee, as provided in statute 8.10, was appointed by the Executive Council to recommend such action in regard to the above matters as it may after full inquiry find necessary. The committee went on to note that the disciplinary committee would have power to make recommendation of suspension of the Dean pending inquiry against her and that the decision or report of the disciplinary committee would be final and the Executive Council would be bound to give effect thereto as early as possible. The committee also regretted what it described as "unwarranted and unjustified aspersions made by the petitioner against two senior members of the Executive Council" who were appointed as members of the Committee.

9. The second interim report is annexure-12B. The committee after hearing the Finance Officer and seeing the correspondence between the Dean and the Vice-Chancellor directed the Finance Officer to examine the allegations of financial irregularities and send his report to the Vice-Chancellor direct, instead of to the Committee, and to endorse a copy thereof to the members of the committee. The committee expressed the hope that the Vice-Chancellor would place this matter also before the meeting of the Executive Council to be held on 27th April.

10. The committee also noted complaints regarding interference by the husband of the petitioner in the discharge of her duties in matters relating to the Law Faculty. The committee held that it had no jurisdiction either to interrogate or to take action against the petitioner's husband. It however noted that the petitioner had built a palatial building of her own in the city and she could very well shift her residence to that building. The committee accordingly suggested that the Executive Council may give her notice to vacate the University premises latest by 30th June, and to shift to her own residence. The committee further expressed the opinion that the teachers who had got their own bungalows in the city should not, as a rule, be allowed residence in the University buildings. The committee added that the original complaint submitted by one Bishambhar Nath Srivastava whom it described sarcastically as the "most trusted person of the Dean, Faculty of Law" was with the Registrar. It suggested that the said

complaint as well as the report submitted by Sri G. D. Tandan, Assistant Office Superintendent, regarding the failure of the petitioner to attend the office as promised by her were also with the Registrar and they too may be brought to the notice of the Executive Council.

11. These two reports were considered by the Executive Council at its meeting held on 27th April. Its resolution is contained in the minutes annexure-2 to the petition. Both the reports were accepted after deleting the observation regarding the Disciplinary Committee's power to recommend suspension pending inquiry and regarding the binding nature of the recommendations of the Disciplinary Committee on the Executive Council. The latter exception became necessary because it appears that statute No. 8.11(3) which originally provided that the recommendations of the Disciplinary Committee would bind the Executive Council had been amended on 15-1-80 and after the amendment the Executive Council was free to take its own decision. Apparently the amendment was not brought to the notice of the "Misra committee" (the committee appointed by the Executive Council vide its resolution dt. 9-3-83 and headed by Sri S. D. Misra).

12. The Executive Council accordingly appointed a Disciplinary Committee consisting of the Vice-Chancellor and two retired Judges of this Court, Sri Justice S. K. Kaul and Sri Justice G. S. L. Srivastava. This Disciplinary Committee was not specifically asked to inquire into any particular charge nor was it specifically asked to make a preliminary inquiry into the allegations. However, the resolution of the Executive Council accepting the interim reports of the Misra Committee, read with the resolution appointing the Disciplinary Committee, indicate that the Disciplinary Committee was first to go into the various complaints against the petitioner and thereafter, if necessary, to frame a charge-sheet and hold a formal disciplinary inquiry. The Disciplinary Committee accordingly set about making a preliminary inquiry into the complaints. Even at this stage it has however associated the petitioner with itself in making the preliminary probe.

13. As the other part of the interim report relating to the petitioner being required to vacate her official residence had also been accepted by the Executive Council, a notice was issued to her to vacate the official bungalow.

14. Thereupon the petitioner approached this Court under Article 226 of the Constitution during the summer vacations on 3rd June, 1983. A short-term stay was granted to her on 6th June. The matter came up before a Bench after the vacations on 22nd July. On that date the Bench granted further time to counsel for the opposite parties for obtaining instructions and in the meantime it was observed that it would be open to the petitioner to approach the Chancellor u/s 68 of the U. P. State Universities Act. The interim stay order was directed to continue. Ultimately, after hearing counsel for the parties, another Bench admitted the petition on 16th September.

15. The petition is contested on behalf of the University, the Vice-Chancellor and the Executive Council. The various members of the committees who were also

impleaded as opposite parties have however not put in appearance in spite of service.

16. The main contentions of Sri D. D. Thakur, learned counsel for the petitioner are as follows : --

1. That the Executive Council had no authority to appoint a committee to inquire into the working of the Law Faculty. If at all any committee was to be constituted it could be appointed only with specific terms of reference and not for making a roving inquiry into the working of the faculty generally.

2. That the appointment of Disciplinary Committee was vitiated. The appointment was mala fide and moreover no specific charges were mentioned in the resolution whereby the Disciplinary Committee was constituted. The composition of the Disciplinary Committee was bad for the reason that two of its members, namely, the two retired Judges, were outsiders;

3. That the recommendations made by Misra committee were not related to the scope of its terms of reference as contained in the Executive Council resolution dt. 9th March. As such the recommendations of the Misra committee could not validly be the basis of the decision of the Executive Council taken on 27th April;

4. That instead of attending to the grievances and complaints of the petitioner regarding want of co-operation from its staff and the unruly behaviour of the students and staff she was herself being put into the dock and was being humiliated by the said resolution. The decisions of the Misra committee and of the Executive Council were vitiated by malice in law as none of the actions was related to relevant objects.

17. It was also the complaint of the petitioner that the Misra committee, although it was to go into the working of the Law Faculty, did not even have the Dean and the Head of the Department as one of its members. Not only this, one of the members of the Misra committee, namely, Sri S. K. Narain, was an uncle of one of the teachers Sri Sharad Narain Saxena who had complained against the petitioner. That complaint was also being looked into and played up by the committee. Two other members Sri H. K. Awasthi and Sri Jiwan Kaul had also had tiffs with the petitioner as she had resisted their interference with her programme for improvement of the working of the Law Faculty. Against the Vice-Chancellor it was contended that he was trying to appease the recalcitrant employees in order to follow the line of least resistance. Instead of administering the University firmly he was trying to buy peace for himself even though it be at the cost of an efficient administrator like the petitioner.

18. It has also been contended that the very tenor of the two interim reports of Misra committee displayed a bias on the part of its members towards the petitioner. They did not appear to be examining the working of the Faculty but only into the complaints against the petitioner and were making gratuitous suggestions against the petitioner.

19. Sri P. R. Mridul, learned counsel for the opposite parties, has on the other hand contended that even from the petitioner's averments it was clear that a situation requiring remedial action did exist in the Law Faculty. The Misra committee was not given any functions of the Executive Council but was asked merely to find facts for assisting the council. The Executive Council was competent to take proper decisions after considering the recommendations of the Misra committee or even suo motu or on the basis of information or suggestions received through any other source. Accordingly, the validity of the appointment or of the recommendations of the Misra committee was hardly material. It has further been contended that there could be no prejudice to the petitioner from mere investigation of facts. No disciplinary action had yet been initiated against her and as such the petition is premature. Moreover, it has been contended that the petitioner should have approached the Chancellor u/s 68 of the Universities Act.

20. Taking the last objection first it may be pointed out that no such preliminary objection was taken before us on behalf of opposite parties before Sri Thakur commenced his arguments in the case. Indeed, he argued the case for one full day and it was only during the arguments of Sri Mridul thereafter on the following day, he was not present on the first day but his colleagues were, that this objection was taken. Considering the entirety of circumstances and having regard to the fact that the petition was admitted by another Bench after hearing both the parties we are not inclined at this stage to relegate the petitioner to the alternative remedy of reference to the Chancellor. Indeed, Sri Mridul quite fairly did not press this objection when these facts were pointed out to him.

21. As regards the validity of appointment of Misra committee, reference has been made to Section 21(1), Clauses (xii), (xiii) and (xvii), of the Universities Act which reads as follows : --

"(1) The Executive Council shall be the principal executive body of the University and subject to the provisions of this Act, have the following powers, namely : --

(xii) to regulate and enforce discipline among members of the teaching, administrative and other staff of the University in accordance with the Statutes and the Ordinances;

(xiii) to manage and regulate the finances, accounts, investments property, business and all other administrative affairs of the University, and for that purpose, to appoint such agents as it may think fit;

(xvii) to regulate and determine all other matters concerning the University as well as Institutes, constituent, affiliated and associated colleges in accordance with this Act, the Statutes and the Ordinances". Sub-section (8) of this section reads as follows : --

"The Executive Council may, subject to any Conditions laid down in the Statutes, delegate such of its powers as it deems fit to an officer or any other authority of

the University, or to a committee appointed by it."

Statutes 8.10 and 8.11 read as follows : --

"8.10.(1) The Executive Council shall constitute, for such terms as it thinks fit, a Disciplinary Committee in the University which shall consist of the Vice-Chancellor and two other persons nominated by it. Provided that if the Executive Council considers it expedient, it may constitute more than one such committee to consider different cases or classes of cases.

(2) No teacher against whom any case involving disciplinary action is pending shall serve as a member of the Disciplinary Committee dealing with the case.

(3) The Executive Council may at any stage transfer any case from one Disciplinary Committee to another Disciplinary Committee.

8.11(1) The functions of the Disciplinary Committee shall be as follows :

(a) to decide any appeal preferred by an employee of the University under Statute 2.07;

(b) to hold inquiry into cases involving disciplinary action against a teacher or the Librarian of the University;

(c) to recommend suspension of any employee referred to in Sub-clause (b) above pending or in contemplation of inquiry against such employee :

(d) to exercise such other powers and perform such other functions as may, from time to time, be entrusted to it by the Executive Council.

(2) In case of difference of opinion among members of the committee, the decision of the majority shall prevail.

(3) The decision or the report of the Disciplinary Committee shall be laid before the Executive Council as early as possible, to enable the Executive Council to take its decision in the matter."

The contention of Sri Thakur was that as laid down in Sub-section (8) of Section 21 the Executive Council could delegate any of its power to only an officer or any other authority of the University or to a committee appointed by it. In the setting in which the expression "a Committee appointed by it" occurs it should be held that the committee should consist only of either officers or members of other authorities of the University and should not include any outsider. We do not find any justification to strain the language of the provision in the manner suggested. Moreover, as rightly pointed out by Sri Mridul, Clause (xiii) quoted above empowers the Executive Council to appoint "such agents as it may think fit" in connection with any administrative affairs of the university. The Misra committee was not given any power of the Executive Council. It was a mere "agency" or instrumentality of the Executive Council for collecting facts and for making recommendations which could thereafter be considered by the Executive Council for such action as may by the latter be considered proper in accordance with the

Act, the statutes and the ordinances. The Misra Committee was thus not essentially a delegate of the Executive Council, though in a wider sense every agent-is also to some extent a delegate. We are of the view that no delegation in the strict sense was involved inasmuch as no powers of the Executive Council were parted with in favour of the Misra Committee and the committee was only to report to the Executive Council and it was for the council to take its decisions in accordance with law. For that matter the council could take into account even a report of some expert body constituted by the Government e.g. a body like Kothari Commission on Education or the recommendations of the Bar Council of India or the State Bar Council or any suggestions made in the press. We are therefore of the opinion that there is no illegality in the appointment of this committee.

22. The plea that a committee could be appointed only in respect of a specific matter and not for making a roving inquiry does not also appeal to us. A resolution whereby suggestions and recommendations were invited with a view to improvement in the working of the Law Faculty could not be said to be a vague or indefinite one. There were complaints by the petitioner herself and there were also complaints of others against the petitioner. In the circumstances, if an inquiry with somewhat widely worded terms of reference was resolved upon it cannot necessarily be said to be bad. It is only at the stage when disciplinary action is being taken that the person charged can insist on clear specification of allegations that he is required to meet. For making recommendations for improvement in the working of the Faculty the inquiry could no doubt be of what is said to be "roving" character.

23. The two interim reports of 12th and 24th April (annexures 12A and 12B), it is true, refer only to the complaints against the petitioner and not to complaints made by her against the teaching and non-teaching staff or the students. It is however to be noted that the petitioner herself was at least partly to blame for this omission because she seems to have adopted a non-co-operative posture towards the committee. Because of her non-cooperation with the committee the committee could get only the side unfavourable to her and her case virtually went by default. However that may be, it is now unnecessary to go into the question of validity or propriety of the recommendations of the Misra Committee because what is now material is the ultimate decision of the Executive Council. The Misra committee had no power on its own to take action against the petitioner and it has indeed not taken any action against her. It has only made recommendations and suggestions to the Executive Council. It is therefore the decisions of the Executive Council which alone are to be examined. Any possible bias on the part of some of the members of the Misra Committee against the petitioner thus becomes irrelevant and need not be gone into.

24. It may be mentioned here that the final report of the Misra Committee was made on 14th July. That was considered by the Executive Council at its meeting of 29th July. That report was accepted in part. It is to be noted that the decisions

of the Executive Council dt. 29th July show that various matters which pertained to the domain of the Academic Council or the Admission Committee were referred by the Executive Council for suitable action by the said bodies respectively. Those decisions, except one which will be discussed hereinafter, are however not challenged before us in this petition.

25. So far as the appointment of Disciplinary Committee is concerned the Statute 8.10(1) itself indicates that the committee shall consist of the Vice-Chancellor and two others persons nominated by the Executive Council. The word "persons" is wide enough to include any outsiders. Indeed any teacher should rather welcome an independent outsider of the stature of a retired Judge of the High Court to be a member of the Disciplinary Committee rather than any member of the Executive Council being a member thereof. The members of the Executive Council may already have indicated their views one way or the other at various meetings of the Executive Council. Indeed no bias has been imputed to the two retired Judges. As such we find no illegality in the composition of the Disciplinary Committee.

26. The Disciplinary Committee has not been asked to frame any specific charges. Accordingly it is making a preliminary inquiry. Even at this stage it has associated the petitioner with the fact-finding process. It passes comprehension as to how this procedure could in any way be injurious to the petitioner. It has been contended that no specific purpose was mentioned in the resolution for appointment of the Disciplinary Committee. The said resolution has however to be interpreted in the light of the preceding resolution accepting the interim reports of the Misra Committee. If we read the two together the terms of reference "of the Disciplinary Committee can easily be spelt out. The committee is to enquire into various matters referred to in the interim reports. It is true that the complaints of the petitioner against Sri Tandan and against other teachers and employees of the faculty including the Librarian have not been specifically referred to the Disciplinary Committee. For no reference was made to them in the interim reports of the Misra Committee. But it is obvious that if the complaint that she had not been discharging her duties as Dean and Head of the Department is to be looked into her complaints against the members of the staff, including the Librarian, Assistant Office Superintendent etc. would necessarily have to be examined by the said Disciplinary Committee. There is no warrant to assume that the committee would proceed in a one sided manner disregarding the contentions of the petitioner which are said to explain the hurdles she had to face in discharging her duties. The petitioner, we have already seen, has already been associated with the fact-finding process and can thus very well make her representations to the Disciplinary Committee in this regard and place the relevant facts and materials before it. The Disciplinary Committee has even hinted in an order passed by it, which was shown to us during arguments, that it may even allow her the assistance of counsel at a later stage. While examining complaints relating to admissions to L.L.B. (I year) it has also allowed her to be assisted by the teachers from whom she had taken work while finalising the

admissions. Nothing could be fairer than this. We are not called upon at this stage to make any observation as to the role of the Vice-Chancellor who is, under the statute a necessary part of the Disciplinary Committee, in the context of the allegations made by the petitioner against him. That question could conceivably arise only if and when it is ultimately decided to charge-sheet her. We have already seen that no animus of the Vice-Chancellor towards petitioner has been alleged. All that has been alleged is his failure to extend the support to the petitioner which the latter as head of the department had a legitimate right to expect from him. This failure is attributed not to any ill-feelings on his part towards her but to his being a weak administrator. Howsoever that may be, the Vice-Chancellor who is "the principal executive and academic officer of the University" (Section 13) and also ex-officio Chairman of the Executive Council, the Academic Council, the Finance Committee and the Disciplinary Committee could surely not be expected to be dissociated from even the decision to initiate a formal inquiry. It will be fair to add that Sri Thakur in his elaborate and erudite argument has indeed not suggested that the Vice-Chancellor is disqualified on this score even from participating in the preliminary inquiry.

27. The contention that the appointment of the Disciplinary Committee was mala fide is based on the ground that some of the members of the Executive Council were hostile to the petitioner and secondly that there was no reasonable basis for such appointment. The composition of council consists of some officers of the University, ex-officio, two Deans by rotation, some Professors, Readers, Lecturers and a Principal who are selected in the manner prescribed, four persons elected by members of the Court and four nominees of the Chancellor. A body with such a mixed composition is bound to have some members who are favourably or unfavourably disposed towards one or more the parties involved in any controversy. The play of subjective factors in the decision-making process on the part of at least some of the members cannot, in practice, be ruled out. Such a body cannot be judged by the same standards as a statutory tribunal or other quasi-judicial authority or even an administrative statutory authority pertaining to governmental functions. It will be unrealistic to try to investigate the different motivations of the various members of a, wholly or partly, democratically constituted body. Very often its decisions are based on a split vote. This is all part of the democratic process. Thus, the mere fact that bias is attributed to a minority of the persons who voted in favour of the resolution, cannot, in our opinion, vitiate the decision merely on the basis of the possibility of their having influenced the other members. Its validity has to be judged on the basis that it is not a subjective decision but an objective decision.

28. We have therefore to consider the reasonableness or unreasonableness of the decision with reference to the factual situation and not after taking into account the background motives which possibly influenced different members of the Executive Council while casting their votes. So viewing the relevant objective materials one finds that there did exist certain complaints against the petitioner, and that those complaints were made not merely by minor officials but also by

some teachers of the Faculty. Even the Vice-Chancellor was not quite happy with her working. The decision to appoint a Disciplinary Committee, with power to make a preliminary probe, and only if the preliminary probe leads to the conclusion that a formal inquiry is necessary, to initiate and conduct such inquiry, cannot in the entirety of circumstances be held to be unreasonable or arbitrary. As observed earlier, the mere fact that the recommendations of the Misra Committee were also taken into account by the Executive Council cannot affect the validity of the decisions of the Executive Council taken on 27th April.

29. We have also noted earlier that the failure of the Misra Committee and of the Executive Council to refer to the grievances and the complaints of the petitioner has also no practical significance, inasmuch as, indirectly the Disciplinary Committee is bound to consider the same while examining the material or complaints against the petitioner. We are therefore unable to hold the decision to appoint the Disciplinary Committee to be vitiated in the eye of law on any of the grounds advanced before us.

30. Two matters however remain. Firstly, it was contended that as per para 3(5) (b) of the report of Misra Committee dt. 9-7-83 the work of scrutiny of admission forms had been taken away from her and transferred to a Deputy Registrar. There is no specific provision as to who is the competent authority to order admission. The book of Ordinances and Regulations of the University for 1973-74 placed before us shows at page 1 (Chapter 1, Regulation 1) that applications for admission are required to be submitted to the Dean in the prescribed form. There is nothing else to indicate as to how the applications shall thereafter be dealt with. But this does indicate that the competent authority to pass final orders must be the Dean. It cannot, in the absence of any specific provision in that behalf, be imagined that any authority other than the person to whom application is addressed or submitted can pass orders on that application. We are therefore of the opinion that although preliminary scrutiny of admission forms and mark-sheets may be done by the Deputy Registrar, no admission cards can be issued by the Deputy Registrar without the approval of the Dean. This would be subject to any amendment in the Regulations or Ordinances or any other decision of a competent authority in accordance with the Act or Statutes, Sri Mridul the learned counsel for the respondent did not dispute this proposition and agreed that whatever statutory functions vest in the Dean cannot be taken away from her without any amendment in the Ordinances or Regulations etc. and that she would be allowed to continue to discharge her duties in accordance with law.

31. The other matter was the recommendation of the Misra Committee in regard to her official residence. The committee actually recommended that not only she but all others who were occupying official residences and had their own private residences in the town should be asked to vacate the official residences. This recommendation was accepted by the Executive Council without any qualification. So far as the petitioner was concerned the recommendation was however made in the context of complaints against her husband to the effect

that he was interfering with the petitioner's working as Dean. Those complaints are yet to be enquired into and no decision has been taken by the Executive Council that those complaints are even prima facie established. As such the recommendation with regard to the petitioner's individual case, being related to complaints which are still to be substantiated, cannot be sustained. Of course, she can rightly be asked to vacate her official residence along with others similarly situated. She has pointed out that not only other teachers who have got their private residences in the city have been allowed to continue in their official residence but even retired teachers are being left undisturbed. We are told on behalf of the University that information is being gathered with regard to others while notice has been issued only to the petitioner. Having regard to the fact that a year has already passed since the recommendation made by the Misra Committee was accepted by the Executive Council it is amazing that even the relevant information could not be collected during this long period as regards others. Sri Mridul fairly conceded that even in implementation of a valid decision the authorities cannot practise discrimination. Even though the decision may be valid yet its execution cannot be arbitrarily selective or discriminatory. He accordingly agreed that the decision to evict the petitioner may be taken not in isolation but as part of the general implementation of the decision to have the houses of all such persons who have got their private residences in the city and retired teachers vacated. It follows thus that the notice already issued to the petitioner for vacation of her official residence will not be immediately given effect to but will only be given effect to when similar action is initiated against the other persons who for the same reason are not entitled to continue in their official residences. In other words, the petitioner can be evicted at that time, but not immediately.

32. In the result, except as provided above with regard to the two matters, namely, the exercise of powers as Dean by the petitioner in regard to admission etc. and in regard to her eviction from her official residence, the writ petition is dismissed but without any orders as to costs. The stay order shall stand discharged.

33. Immediately after the above judgment was pronounced, Sri R. S. Pande, learned counsel for the petitioner, made an oral prayer for certificate under Article 133 read with Article 134A of the Constitution. We are not satisfied that the case involves any substantial question of law of general importance which requires to be decided by the Hon'ble Supreme Court. As such the certificate prayed for is refused.