

Dr. Hausila Prasad Sharma Vs. Chancellor Mahatma Gandhi Kashi Vidyapith Raj Bhawan and ors.

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SooperKanoon Citation : sooperkanoon.com/493338

Court : Allahabad

Decided On : Feb-22-2008

Reported in : [2008(117)FLR269]

Judge : Yatindra Singh and; Ran Vijay Singh, JJ.

Appellant : Dr. Hausila Prasad Sharma

Respondent : Chancellor Mahatma Gandhi Kashi Vidyapith Raj Bhawan and ors.

Disposition : Petition allowed

Judgement :

Yatindra Singh and Ran Vijay Singh, JJ.

1. The petitioner was appointed as a Lecturer in Mahatma Gandhi Kashi Vidyapith, Varanasi (the university) on 26.5.1985 for taking evening classes. The services of the petitioner were terminated on 30.6.1987 as evening classes were being slopped. The petitioner filed a writ petition before this Court, which was decided with the observation that the petitioner should file a reference before the Chancellor. The petitioner filed the reference. This was decided on 29.11.1990 with the direction to the University to consider the case of the petitioner under Section 31(3)(b) of the U.P. State Universities Act, 1973 (the Act).

2. A meeting of Executive Council of the University was held on 24.9.1993. However, the case of the petitioner could not be considered as the records pertaining to the petitioner were not placed before the Executive Council. The case of the petitioner was again reconsidered on 21.1.1996 and it was rejected mentioning therein that the petitioner is not eligible for the same. The petitioner filed a representation before the Chancellor which was rejected on 29.7.1997. Hence, the present writ petition.

3. We have heard Counsel for the petitioner and Sri Neeraj Tripathi and Sri A.K. Singh, the Counsel for the respondents.

4. Neither any reasons have been mentioned in the minutes of the Executive Council nor in the order of the Chancellor as to why the petitioner is ineligible or why he cannot be appointed under Section 31(3)(b) of the Act. In view of this the order passed by the Chancellor dated 29.7.1997 and the minutes of the Executive Council dated 6.2.1996 relating to the petitioner are quashed. The Executive Council of the University may reconsider the case of the petitioner at an early date, if possible, within three months from the date of production of certified copy of this order. Needless to add that in case the respondent comes to the conclusion that the petitioner is ineligible or is not entitled to be appointed under Sections 31(3)(b) of the Act then they will also record the reasons.

5. With these observations, the writ petition sands allowed.