



2025:CGHC:48877



Order Reserved on 02.07.2025

Order Pronounced on 23.09.2025

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 3704 of 2015

Dr. Kamlesh Dubey S/o Shri Ganesh Prasad Purohit, aged about 52 years R/o Ward No. 14, Baloda Bazaar Road, Palari, Police Station Palari, Earlier Posted as Assistant Professor, Political Science in Government Brij Lal Verma College, Palari, District Baloda Bazar Bhatapara Chhattisgarh Pin Code 493228, Chhattisgarh

... Petitioner

versus

1. State of Chhattisgarh through the Secreary, Higher Education Department, Mantralaya, Mahanadi Bhawan, Naya Raipur, Chhattisgarh
2. Joint Director, State of Chhattisgarh, Higher Education Department, Mantralaya, Mahandi Bhawan, Naya Raipur, Chhattisgarh , District : Raipur, Chhattisgarh
3. Principal, Government Brij Lal Verma College, Palari, District Baloda Bazaar Bhatapara, Chhattisgarh, Pin Code 493228, District : Balodabazar-Bhathapara, Chhattisgarh
4. Ku. Preeti Sahu, D/o Bharat Lal Sahu, Aged About 25 Years R/o Gram Girra, Post Sandi, Tehsil Pallari, District Baloda Bazar- Bhatapara, Chhattisgarh, District : Balodabazar-Bhathapara, Chhattisgarh

... Respondents

For Petitioner	:	Mr. Mateen Siddiqui, Advocate
For Respondent No. 4:		Mr. Harsh Dave, Advocate
For State		Mr. Dilman Rati Minj, GA

Hon'ble Shri Justice Sachin Singh Rajput

C A V Order

This petition is directed against the order dated 23.09.2015 passed by the Joint Secretary, Higher Education Department, Raipur (respondent No. 2) placing the petitioner under suspension.



2. The facts of the case in short are that the petitioner was posted as Assistant Professor (Political Science) in Government Brij Lal Verma College, Palari, and even after putting in about 23 years of service with an unblemished service record he was placed under suspension without any rhyme or reason causing great trouble to him. The problem for the petitioner arose only after removal of one Preeti Sahu (respondent No. 4 herein) who was working as Instructor on honorarium basis since the year 2012, but she could not be selected on the post of teacher (Diploma in Computer Applications) in the said college rather one Narendra Kumar Sharma came to be selected. Appointment of that Narendra Kumar led to the ouster of respondent No. 4 from service with effect from 11.09.2015. The case of the petitioner is that prior to removal of respondent No. 4 there was not even a single complaint against the petitioner and it is after her removal the students of the college started agitation making frivolous charges of misbehavior against the petitioner. Further case of the petitioner is that on 17.09.2015 the students' union of Government Brij Lal Verma College had submitted a memorandum pointing out lack of certain facilities like Wi-Fi facility, canteen facility, cleanliness, improper water supply etc. in the college and also raising the issue of removal of respondent No.4 on account of personal vendetta in the college without taking sanction of Jan Bhagidari Samiti. While giving said memorandum, the students' union had also conveyed to the college administration that if the grievances so raised are not redressed, the agitation would be resorted to. Petitioner's so-called misbehavior with the girl students was published in the local newspaper also. Demand of taking respondent No.4 back in service was also raised by the students' union.

3. On 21.09.2015 an enquiry was conducted and statements of some of the girls were also recorded behind the back of the petitioner without giving him an opportunity to put forth his say. On the basis of report given by the enquiry officer, the petitioner was placed under suspension vide order impugned dated 23.09.2015. Hence this petition.

3. Learned counsel for the petitioner submits that the impugned order is



arbitrary, illegal and contrary to law. He submits that after some of the girl students made some allegation of misbehavior against the petitioner, students union started an agitation before the principal of the concerned college on 17.09.2015 and on the next day i.e. on 18.09.2015 it became a news which was published in a local newspaper. He submits that the entire sequence of events leading to the suspension of the petitioner is the appointment of Narendra Kumar Sharma on the post of Computer Teacher and ouster of respondent No.4 who was working in the college in question on honorarium basis. According to the counsel for the petitioner, this bald allegation against the petitioner just after the ouster of respondent No.4 and making an agitation before the office of principal which ultimately became a news published in a local newspaper culminating in suspension of the petitioner without there being any justifiable reason has tarnished the image of the petitioner in the society. He thus submits that the order impugned may be set aside by allowing the petition.

4. On the other hand, learned counsel for respondent/State supports the order impugned and submits that looking to the misbehavior of the petitioner towards the girl students which is evident from certain complaints annexed with the return, suspension of the petitioner is fully justified and need not be interfered with in this petition. Learned counsel for respondent No.4 also made almost the same argument supporting the order impugned.

5. Heard counsel for the parties and perused the documents on record.

6. As already stated, the petitioner was posted as Assistant Professor (Political Science) in Government Brij Lal Verma College, Palari, and even having put in about 23 years of service with an unblemished service record he was placed under suspension on 23.09.2015 simply on the basis of certain allegation. From the documents annexed with the petition as also to the return it appears that the petitioner and the principal of Government Brij Lal Verma College, Baloda Bazar were the members of the Selection Committee who recommended the name of one Narendra Kumar Sharma for appointment as Computer Teacher. Documents on



record also show that in order to facilitate appointment of Narendra Kumar Sharma, one Ms. Preeti Sahu (respondent No.4) who was working as Computer Instructor on honorarium basis was removed on 11.09.2015, and immediately thereafter, the Students Union served a notice to the Tehsildar, Palari for staging demonstration in the College premises. Thereafter on 17.09.2015 five pointed charter of demand and grievances was raised, one of them being removal of respondent No.4. It is pertinent to note here that the Students union did not raise any grievance about the petitioner's conduct or antecedent in respect of girl students of the college. Two newspapers also published a report regarding the petitioner's indecent behaviour towards the girl students. This publication in the newspaper led to the suspension of the petitioner, which is in absolute *mala fide* exercise of the powers. The record however does not show that during the employment of respondent No.4 in the said college on honorarium basis, she made any complaint in respect of indecent remarks or behaviour of the petitioner. The complaint either by respondent No.4 or by other girl students, for the first time was made on 21.09.2015 i.e. about ten days after removal of respondent No.4. Though in compliance of the order dated 13.10.2015 passed by this Court staying the effect and operation of the impugned order and directing impleadment of Ms. Preeti Sahu, she was arrayed as respondent No.4 in the petition, however, no reply on her behalf has been filed. Even the enquiry against the petitioner by a single member committee was made behind his back.

7. Of course, the suspension is not punitive in nature yet sometimes it attaches a stigma to the incumbent, tarnishes his image in the society and culminates in a serious illegality if it is based on a complaint without an iota of truth; if the disciplinary authority did not afford any opportunity to him and recorded no satisfaction to place him under suspension; and if it hinges on baseless and vague allegations and the news published in the newspapers. This is what appears to have transpired in the case in hand also where the petitioner was placed under suspension without any reasonable ground.



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8. In aforesaid view of the matter, this Court is of the considered opinion that the order impugned (Annexure P-1) placing petitioner under suspension is not sustainable in law and liable to be set aside. Accordingly, the petition is allowed and the order impugned is hereby set aside. Since by virtue of the interim order the petitioner is already discharging his duties, no further order of reinstatement etc. is necessary to be passed.

9. Needless to mention here that the concerned department would be free to initiate the departmental enquiry against the petitioner if it so desires, without being influenced of any of the observations made in this order.

10. Petition is thus allowed.

Sd/-

(Sachin Singh Rajput)
JUDGE