R

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 8TH DAY OF JULY 2025

BEFORE

THE HON'BLE MR. JUSTICE H. T. NARENDRA PRASAD

WRIT PETITION NO.15289 OF 2025(S-RES)

BETWEEN:

DR MANJUNATH R
S/O LATE RAJAPPA
AGED ABOUT 37 YEARS
NO.2, 3RD CROSS,
VEERANJANEYA NAGARA
NEAR GOKUL COLLEGE,
KOLAR-563 101. … PETITIONER

(BY SRI D ASHWATHAPPA, ADVOCATE)

AND:

1. THE SECRETARY TO GOVERNMENT OF KARNATAKA
HIGHER EDUCATION DEPARTMENT
6TH FLOOR, M S BUILDING
BENGALURU-560 001.

2. THE VICE CHANCELLOR
THE BENGALURU NORTH UNIVERSITY
TAMAKA, KOLAR-560 103.

3. THE BENGALURU NORTH UNIVERSITY
TAMAKA, KOLAR-560103
REP. BY ITS REGISTRAR. ….RESPONDENTS

(BY SRI VIKAS ROJIPURA, AGA FOR R1:
SRI SHOWRI H R, ADVOCATE FOR R2 & R3)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 & 227 OF THE CONSTITUTION OF INDIA PRAYING TO DIRECT TO QUASH THE ORDER BEARING NO. BUVV/ STAFF/AU/SB/36/2024-25 DATED: 09.04.2025 ISSUED BY THE RESPONDENT NO:3 PRODUCED VIDE ANNEXURE-S AND ETC.

THIS WRIT PETITION, HAVING BEEN HEARD AND RESERVED FOR ORDERS ON 27.06.2025, COMING ON FOR PRONOUNCEMENT, THIS DAY, THE COURT, MADE THE FOLLOWING:

CAV ORDER

This writ petition is filed under Articles 226 & 227 of the Constitution of India, challenging the order dated 09.04.2025 passed by respondent No.2 – Vice-Chancellor, vide Annexure-S, relieving the petitioner from the post of temporary Guest Lecturer in the University and also ordered not to accept his application for appointment to the post of Guest Lecturer in the respondent – University, for a period of three years.

2. The petitioner was appointed as a Guest Lecturer in the Department of Journalism and Mass

Communication in Bangalore North University, Kolar, in the year 2018, for the academic year 2018-19. After short break, again for the next academic year, a fresh appointment order has been issued. Likewise, he was continuing till 2023-24. Last of the appointment order dated 07.12.2024 vide Annexure-C is for the academic year 2024-25, for a period of ten months, with certain conditions. In the academic year 2024-25, when he was working as a Guest Lecturer in the University, on allegations, by the impugned order vide Annexure-S dated 09.04.2025, the petitioner has been relieved from the service and it was also ordered not to accept his application for appointment as Guest Lecturer in the University for a further period of three years. Being aggrieved by the same, the petitioner is before this Court.

3. Sri Ashwathappa, learned counsel for the petitioner has raised the following contentions:

(i) Firstly, the impugned order – Annexure-S is passed without giving any notice to the petitioner. The same is in violation of the principles of natural justice and contrary to the rights guaranteed to the petitioner under Article 14 of the Constitution of India.

(ii) Secondly, in the impugned order, there is a serious allegation made against the petitioner. There are 12 charges made against the petitioner. Therefore, the impugned order – Annexure-S is in a punitive nature and it causes stigma on the petitioner. Under these circumstances, without giving notice to the petitioner and without conducting an enquiry, the impugned order has been passed. Hence, the same is unsustainable.

(iii) Thirdly, in the impugned order, there is prohibition for the petitioner to apply for the Guest

Lecturer post in the University for a period of three years from 09.04.2025. Such an order has been passed without the authority of law, and the same is contrary to the rights guaranteed to the petitioner under Article 21 of the Constitution of India and the respondents cannot replace one set of temporary employees by another set of temporary employees. In support of his contention, he relied on the judgment of the Apex Court in the case **HARGURPRATAP SINGH vs. STATE OF PUNJAB AND OTHERS** reported in **(2007) 13 SCC 292** and in the case of **MANISH GUPTA AND ANOTHER vs. PRESIDENT, JAN BHAGIDARI SAMITI AND OTHERS** reported in **(2022) 15 SCC 540.**

(iv) Fourthly, vide Annexure-E dated 30.12.2024, it is alleged that the petitioner has conducted a press meet and made allegations against the Higher Education Minister and the Deputy

Commissioner. Pursuant to that notice, petitioner submitted a detailed reply stating that no allegation has been made against the Minister or the Deputy Commissioner. As a citizen of this Country and a resident of Kolar District, since the Kolar District is declared as a Mines effected area, the grant sanctioned by the Government has not reached the needy people, hence, he raised the voice against the concerned people. No allegation has been made against the University or the officers of the University. This action of the petitioner is under the right guaranteed to him under Article 19 of the Constitution of India.

(v) Fifthly, the University called for a Syndicate meeting on 04.02.2025. The agenda in the meeting is only in respect of the Press statement given by the petitioner. Without any notice to the members regarding the other issues and without any agenda,

the other issues are also included in the resolution passed in the Syndicate and there is no material placed before the Syndicate regarding the other allegations.

(vi) Sixthly, except the first charge, in respect of the other charges, no notice has been given to the petitioner seeking any explanation. In fact, the petitioner has given an explanation in writing on all the allegations made against him by the University, and he has not admitted any allegation and also stated that he has not conducted any mis-conduct.

(vii) Lastly, some of the charges made in the impugned order are serious in nature. One of the allegations is that of harassment of women employees. Without any materials against the petitioner and without giving any opportunity, in the impugned order, it is mentioned that the petitioner has committed such an offence. Even the matter is

also not referred under the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013. Hence, he sought to allow the writ petition.

4. Per contra, Sri Shouri, the learned counsel appearing for respondent Nos. 2 and 3 raised the following contentions:

(i) Firstly, the petitioner has not approached this Court with clean hands. In Annexure-C - appointment order, in the last page, he has inserted some paragraphs by manuscript.

(ii) Secondly, the petitioner has been appointed on a contract basis as a temporary Guest Lecturer for ten months from 07.12.2024. As per the appointment order vide Annexure-C, certain conditions have been mentioned and if there is any violation of the conditions, his service will be terminated. The petitioner, accepting the said conditions, joined the

service. Since he has violated the conditions mentioned in the appointment order, after following all procedures of law, he has been relieved from service.

(iii) Thirdly, the petitioner was making an allegation against the University and its employees, but the allegations are not based on any materials. Since he has damaged the image of the institution, in the Syndicate meeting, a decision has been taken to relieve him from the service as per the appointment order. Thereafter, for each allegation, a specific notice has been issued to the petitioner and the petitioner has replied the same. In reply, he has admitted the allegations. After considering the same, the matter has been placed before the Syndicate and on the decision of the Syndicate, the impugned order has been passed relieving him from service. Therefore, the petitioner cannot contend that the

impugned order is passed without giving any notice to the petitioner.

(iv) Fourthly, under the University Act and Statutes, in the Syndicate meeting, with the permission of the Vice-Chancellor, the other subjects which are not in the agenda, can be discussed. Some of the charges made against the petitioner, even though not in the agenda, on permission of the Vice-Chancellor, the issue has been discussed and the resolution has been passed.

(v) Fifthly, when notice has been issued to the petitioner, in reply, he has admitted the allegations made in the notice. Under the circumstances, the enquiry is not required. In support of his contentions, he relied on the judgment of the Kerala High Court in the case of **P.K.THANKACHAN vs. THALANADU SERVICE CO-OPERATIVE BANK LTD. AND ANOTHER** reported in **(1994) SCC Online Kerala**

31 and in the case of **MANJUNATHA GOWDA vs. DIRECTOR GENERAL OF CENTRAL RESERVE POLICE FORCE** reported in **1994 SCC Online Kar.283** and judgment of the Apex Court in the case of **CENTRAL BANK OF INDIA LTD. vs. KARUNAMOY BANERJEE** reported in **AIR 1968 SC 266.**

(vi) Sixthly, since the petitioner is a temporary Guest Lecturer, he cannot claim that, in view of Article 311 of the Constitution of India, an enquiry has to be conducted before termination. In support of his contention, he relied on the order passed by Jammu and Kashmir and Ladakh High Court in WP(C) No.3932/2019 decided on 11.07.2023 and the order passed by the Delhi High Court in WP (C) No.12186/2016 decided on 13.02.2018 and the judgment of the Supreme Court in the case of **UNION PUBLIC SERVICE COMMISSION vs. GIRISH**

JAYANTI LAL VAGHELA AND OTHERS reported in **(2006) 2 SCC 482**.

(vii) Lastly, even if this Court allows the writ petition, and the matter is remanded back to the respondents for fresh enquiry, this Court cannot direct to reinstate the petitioner. In support of his contention, he relied on the judgment of the Apex Court in the case of **STATE OF UTTAR PRADESH AND OTHERS vs. RAJIT SINGH** reported in **(2022) 15 SCC 254** and in the case of **STATE OF HARYANA AND ANOTHER vs. JAGDISH CHANDER** reported in **(1995) 2 SCC 567.** Hence, he sought for dismissing the writ petition.

5. In rejoinder, learned counsel for the petitioner has contended that before passing the impugned order – Annexure-S, terminating the service of the petitioner, no notice has been given to the petitioner and contended that even in the Syndicate meeting,

there is no agenda in respect of the allegation made by the University in the impugned order. He also produced Annexures V and V1 - the statements given by the Syndicate members before the police. In respect of the allegations made against the petitioner, there was no discussion in the meeting and there is no agenda and members have not been given any prior notice to discuss about the agenda. Therefore, he contended that some of the issues which have been mentioned in the resolution were inserted only with the intention to terminate the petitioner from service.

6. Heard the learned counsel for the parties and perused the petition papers.

7. The petitioner was appointed as a Guest Lecturer in the Department of Journalism and Mass Communication in Bangalore North University, Kolar, in the year 2018, for the academic year 2018-19.

After short break, again for the next academic year, a fresh appointment order has been issued. Likewise, he was continuing till 2023-24. Last of the appointment order dated 07.12.2024 vide Annexure-C is for the academic year 2024-25, for a period of ten months, with certain conditions. When he was working as a Guest Lecturer, on the basis of the serious allegations, the impugned order vide Annexure-S has been passed and he has been terminated from service and it was also ordered not to accept his application for the post of Guest Lecturer for a period of three years.

8. I have perused the impugned order vide Annexure-S dated 09.04.2025. There are 12 allegations made against the petitioner, and all the allegations are serious in nature. The first allegation is that the petitioner has made a newspaper statement and made allegations against the Deputy Commissioner and the Higher Education Minister. In

respect of the first allegation is concerned, notice has been issued vide Annexure-E dated 30.12.2024. The petitioner submitted his reply as per Annexure-F dated 31.12.2024, stating that the petitioner is a resident of Kolar District, and the said District is declared as Mine Affected Areas, the grant sanctioned to the District on that account was utilised by the Deputy Commissioner erratically, and no useful provision was made to the public of the district. The Higher Education Minister, who also belongs to the same district has not taken any positive initiative towards the welfare of the citizens of the district in any manner. By looking into the allegations and the reply submitted by the petitioner, it is very clear that he has not made any allegation against the University or officers of the University. As the resident of the Kolar District, in the public interest, has made the paper statement since it is the right guaranteed to the petitioner under Article

19(1)(a) of the Constitution of India. Therefore, the newspaper statement made by the petitioner is not misconduct. Even the U.S. Supreme Court in Pickering vs. Board of Education (20th Law Edition, Volume 20 of Second Series of Lawyers Edition United States Supreme Court report Page 811), has held as follows:

> *"Termination of service of a public school teacher on the basis of a letter written to the editor of a local newspaper criticising the way in which the Board of Education and the Superintendent of Schools had handled past proposals to raise new revenue for the schools came up for consideration. The Board of Education-the employer - had held that the publication of the letter was detrimental to the employer, and that the interests of the school required the teacher's dismissal. The Circuit Court of Will County, Illinois and the Supreme Court of Illinois upheld the dismissal. But, the United States Supreme Court reversed the State Supreme Court decision holding that:*
> *"in a case like this, absent proof of false statements knowingly or recklessly made by*

him, a teacher's exercise of his right to speak on issues of public importance may not furnish the basis for his dismissal, from public employment."

9. Even the Apex Court in the case of **KAMESHWAR PRASAD AND OTHERS vs. STATE OF BIHAR AND ANOTHER** reported in **AIR 1962 SC 1166** has held that Rule 4-A of the Bihar Government Servants Conduct Rules, 1956, prohibiting "any form of demonstrations" is violation of the fundamental right guaranteed under Articles. 19(1)(a) and 19(1)(b) of the Constitution of India. It was held that:

"Broadly stated that a demonstration is a visible manifestation of the feelings or sentiments of an individual or a group. It is thus a communication of one's ideas to others to whom it is intended to be conveyed. It is in effect, therefore, a form of speech or of expression, because speech need not be vocal

since signs made by a dumb person would also be a form of speech."

It was held that demonstrations which were not disorderly or violent would be protected by the guaranteed freedom of speech, and only such demonstrations as were disorderly or violent could be prohibited in exercise of the power under Article 19(2) of the Constitution of India.

10. Therefore, from the above judgment, it is very clear that the statement made by the petitioner in the newspaper is in the interest of public and he has a right under Article 19(1) of the Constitution of India.

11. In respect of the other allegations are concerned, there are 11 allegations made against the petitioner, they are all serious allegations. For only two allegations, they have given a notice, that too,

without providing any materials. For that, the petitioner has given explanation. He has not admitted any allegations made against him. The allegations made against the petitioner in the impugned termination order are extracted below:

> *1. ಕೋಲಾರ ಜಿಲ್ಲೆಯ ಮಾನ್ಯ ಜಿಲ್ಲಾಧಿಕಾರಿಗಳ ವಿರುದ್ಧ ಹಾಗೂ ಮಾನ್ಯ ಉನ್ನತ ಶಿಕ್ಷಣ ಸಚಿವರ ವಿರುದ್ಧ ಮಾಡಿರುವ ಆರೋಪಗಳು ಪತ್ರಿಕೆಗಳಲ್ಲಿ ಹಾಗೂ ಸಾಮಾಜಿಕ ಜಾಲತಾಣಗಳಲ್ಲಿಯೂ ಸಹ ಹರಿದಾಡಿರುತ್ತವೆ. ಡಾ ಮಂಜುನಾಥ್ ಆರ್ ರವರು ಅತಿಥಿ ಉಪನ್ಯಾಸಕರಾಗಿ ಕಾರ್ಯನಿರ್ವಹಿಸುತ್ತಿದ್ದು ವಿಶ್ವವಿದ್ಯಾಲಯದ ವಿರುದ್ಧ ಪ್ರಚೋದನೆ ನೀಡಿ ಆಡಳಿತ ಕಾರ್ಯಕ್ಕೆ ಧಕ್ಕೆಯನ್ನುಂಟು ಮಾಡಿರುತ್ತಾರೆ. ಮತ್ತು ವಿಶ್ವವಿದ್ಯಾಲಯದ ಗೌರವ ಹಾಳು ಮಾಡಿರುತ್ತಾರೆ. ವಿಶ್ವವಿದ್ಯಾಲಯದಲ್ಲಿ ಪ್ರತಿಬಾರಿ ಅಧ್ಯಾಪಕರ ನಡುವೆ ಮಾತಿನ ಚಕ್ಕುಮುಕ್ಕಿ ನಡೆದಾಗ ಡಾ ಮಂಜುನಾಥ ರವರ ನೇರ ಪಾತ್ರ ಕಂಡು ಬಂದಿರುತ್ತದೆ.*
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> *ಈ ಸಂಬಂಧ ದಿನಾಂಕ:30.12.2024 ರಂದು ಮಾನ್ಯ ಕುಲಪತಿಗಳ ಟಿಪ್ಪಣಿಯ ಮೇರೆಗೆ ಕುಲಸಚಿವರು ಕಾರಣ ಕೇಳಿ ನೋಟಿಸ್ ನ್ನು ಉಲ್ಲೇಖ–02 ರಂತೆ ಜಾರಿಗೊಳಿಸಿರುತ್ತಾರೆ. ಈ ಹಿನ್ನೆಲೆಯಲ್ಲಿ ಅತಿಥಿ ಉಪನ್ಯಾಸಕರಾದ ಡಾ. ಮಂಜುನಾಥ್ ಆರ್ ರವರು ದಿನಾಂಕ: 31.12.2024 ರಂದು ಮೇಲ್ ಮುಖಾಂತರ ಅಸಂಬದ್ಧ ಹೇಳಿಕೆಗಳನ್ನು ಲಿಖಿತ ರೂಪದಲ್ಲಿ ನೀಡಿರುತ್ತಾರೆ.*

ಸದರಿ ವಿಷಯದ ಬಗ್ಗೆ ವಿಶ್ವವಿದ್ಯಾಲಯವು ಗಂಭೀರವಾಗಿ ಪರಿಗಣಿಸಿದ್ದು, ಉಲ್ಲೇಖ–01 ರ ಆದೇಶದಲ್ಲಿ ಇರುವ ಷರತ್ತು ಸಂಖ್ಯೆ–04 ರಂತೆ ಅತಿಥಿ ಉಪನ್ಯಾಸಕರು ವಿಶ್ವವಿದ್ಯಾಲಯದ ಅಧಿಕಾರಿಗಳು ಮತ್ತು ಸಂಬಂಧಿಸಿದ ಮುಖ್ಯಸ್ಥರುಗಳು ಸೂಚಿಸಿರುವ ಕೆಲಸಗಳನ್ನು ಶ್ರದ್ಧಾಪೂರ್ವಕವಾಗಿ ನಿರ್ವಹಿಸಬೇಕು. ಯಾವುದೇ ನಿರ್ಲಕ್ಷ್ಯ ಮತ್ತು ಉದ್ದಟತನದ ದೂರು ಬಂದಲ್ಲಿ ಅಥವಾ ಇವರ ಸೇವೆಯು ತೃಪ್ತಿಕರವಲ್ಲ ಎಂದು ಕಂಡು ಬಂದಲ್ಲಿ ಯಾವುದೇ ಮುನ್ಸೂಚನೆ ಇಲ್ಲದೆ ಇವರ ಸೇವೆಯನ್ನು ರದ್ದುಗೊಳಿಸಲಾಗುವುದು. ಮತ್ತು ಷರತ್ತು ಸಂಖ್ಯೆ–12 ರಂತೆ ಅತಿಥಿ ಉಪನ್ಯಾಸಕರುಗಳು ಯಾವುದೇ ಸಂಘಟನೆ/ರಾಜಕೀಯ/ಗುಂಪುಗಾರಿಕೆಗಳಲ್ಲಿ ಭಾಗವಹಿಸತಕ್ಕದಲ್ಲ ಈ ರೀತಿ ಕಂಡು ಬಂದಲ್ಲಿ ವಿ.ವಿ.ಯು ನಿರ್ದಾಕ್ಷಿಣ್ಯ ಕ್ರಮ ಕೈಗೊಳ್ಳುವುದು. ಹಾಗೂ ಅತಿಥಿ ಉಪನ್ಯಾಸಕರು ಗುಂಪುಗೂಡಿ ವಿ.ವಿ.ಯ ಮೇಲೆ ಒತ್ತಡ ತರುವುದನ್ನು ಹಾಗೂ ಮುಷ್ಕರಗಳಲ್ಲಿ ಭಾಗವಹಿಸುವುದನ್ನು ಅಶಿಸ್ತೆಂದು ಪರಿಗಣಿಸಲಾಗುವುದು. ಹಾಗೂ ಸೂಕ್ತ ಕ್ರಮ ಕೈಗೊಳ್ಳಲಾಗುವುದು. ಸದರಿ ಷರತ್ತುಗಳನ್ನು ಬಹಳ ಸ್ಪಷ್ಟವಾಗಿ ಉಲ್ಲಂಘಿಸಿರುವುದು ದಾಖಲೆಗಳಿಂದ ಕಂಡು ಬಂದಿರುತ್ತದೆ.

2. ಉಲ್ಲೇಖ–03 ರಂತೆ ವಿಶ್ವವಿದ್ಯಾಲಯದ ಪರಿಶಿಷ್ಟ ಜಾತಿ ಮತ್ತು ಪರಿಶಿಷ್ಟ ಪಂಗಡದ ಮಹಿಳಾ ವಿದ್ಯಾರ್ಥಿನಿಲಯದಲ್ಲಿ ವಾಸವಿರುವ ಮಹಿಳಾ ಅತಿಥಿ ಉಪನ್ಯಾಸಕರನ್ನು ವಿದ್ಯಾರ್ಥಿನಿಲಯದಿಂದ ಹೊರಹಾಕಲು ಮತ್ತು ಕಠಿಣ ಕ್ರಮ ಜರುಗಿಸಲು ಒತ್ತಾಯಿಸಿ ವಿಶ್ವವಿದ್ಯಾಲಯದ ವಿರುದ್ಧ ಉಗ್ರ ಹೋರಾಟ ಮಾಡುವುದಾಗಿ ಬೆದರಿಕೆ ಹಾಕಿರುವುದು ಮತ್ತು ವಿಶ್ವವಿದ್ಯಾಲಯದ ಆಡಳಿತಕ್ಕೆ ಧಕ್ಕೆಯನ್ನು ಉಂಟು ಮಾಡಿರುತ್ತಾರೆ. ಹಾಗೂ ವಿಶ್ವವಿದ್ಯಾಲಯದ ಆಡಳಿತ ವರ್ಗದ ವಿರುದ್ಧ ನಾಗರೀಕ ಹಕ್ಕುಗಳ ಜಾರಿ ನಿರ್ದೇಶನಾಲಯದಲ್ಲಿ ದೂರು

ದಾಖಲಿಸುವುದಾಗಿ ಮೇಲ್ ಮುಖಾಂತರ ದೂರನ್ನು ದಿ: 22.01.2025 ರಂದು ವಿ.ವಿ.ಗೆ ಸಲ್ಲಿಸಿರುತ್ತಾರೆ.

ಈ ಸಂಬಂಧ ಸಂಯೋಜಕರು (ಡಾ. ಓಹಿಲ ಎಂ ಪಿ) ಪತ್ರಕೋದ್ಯಮ ಮತ್ತು ಸಮೂಹ ಸಂವಹನ ವಿಭಾಗ, ಬೆಂ.ಉ.ವಿ.ವಿ ಸ್ನಾತಕೋತ್ತರ ಕೇಂದ್ರ, ಮಂಗಸಂದ್ರ, ಕೋಲಾರ, ಇವರು ದಿ: 08.01.2025 ರಂದು ಅತಿಥಿ ಉಪನ್ಯಾಸಕರಾದ ಡಾ. ಮಂಜುನಾಥ್ ರವರ ಮೇಲೆ ಮಾನಸಿಕ ಕಿರುಕುಳ ಹಾಗೂ ಶೈಕ್ಷಣಿಕ ಕಾರ್ಯಗಳಿಗೆ ಅಡಚಣೆ ಬಗ್ಗೆ ದೂರನ್ನು ನೀಡಿರುತ್ತಾರೆ.

ಸದರಿ ವಿಷಯದ ಬಗ್ಗೆ ವಿಶ್ವವಿದ್ಯಾಲಯವು ಗಂಭೀರವಾಗಿ ಪರಿಗಣಿಸಿದ್ದು ಉಲ್ಲೇಖ–01 ರ ಆದೇಶದಲ್ಲಿ ಇರುವ ಷರುತ್ತು ಸಂಖ್ಯೆ:04 ರಂತೆ ಅತಿಥಿ ಉಪನ್ಯಾಸಕರು ವಿಶ್ವವಿದ್ಯಾಲಯದ ಅಧಿಕಾರಿಗಳು ಮತ್ತು ಸಂಬಂಧಿಸಿದ ಮುಖ್ಯಸ್ಥರುಗಳು ಸೂಚಿಸಿರುವ ಕೆಲಸಗಳನ್ನು ಶ್ರದ್ಧಾಪೂರ್ವಕವಾಗಿ ನಿರ್ವಹಿಸಬೇಕು. ಯಾವುದೇ ನಿರ್ಲಕ್ಷ್ಯ ಮತ್ತು ಉದ್ದಟತನದ ದೂರು ಬಂದಲ್ಲಿ ಅಥವಾ ಇವರ ಸೇವೆಯು ತೃಪ್ತಿಕರವಲ್ಲ ಎಂದು ಕಂಡು ಬಂದಲ್ಲಿ ಯಾವುದೇ ಮುನ್ಸೂಚನೆ ಇಲ್ಲದೆ ಇವರ ಸೇವೆಯನ್ನು ರದ್ದುಗೊಳಿಸಲಾಗುವುದು. ಸದರಿ ಷರತನ್ನು ಉಲ್ಲಂಘಿಸಿರುವುದು ದಾಖಲೆಗಳಿಂದ ಕಂಡು ಬಂದಿರುತ್ತದೆ.

3. ವಿಶ್ವವಿದ್ಯಾಲಯದಲ್ಲಿ ಕಾರ್ಯ ನಿರ್ವಹಿಸುತ್ತಿರುವ ಮಹಿಳಾ ಸಿಬ್ಬಂದಿ ವರ್ಗದವರ ಮಾಹಿತಿಯನ್ನು ದಿನಾಂಕ: 22.01.2025 ರಂದು ಉಲ್ಲೇಖ–04 ರಂತೆ ಮಾಹಿತಿ ಹಕ್ಕು ನಿಯಮದಡಿಯಲ್ಲಿ ಮಾಹಿತಿ ಕೇಳಿರುವುದು ಮತ್ತು ವಿದ್ಯಾರ್ಥಿನಿಲಯದಲ್ಲಿ ಬೋಧಕ ಸಿಬ್ಬಂದಿ ಇರಲು ಅನುಮತಿಸಿದ್ದು ಯಾವ ಆಧಾರದ ಮೇಲೆ ಅನುವು ಮಾಡಿಕೊಟ್ಟಿದ್ದೀರ ಈ ಬಗ್ಗೆ ವಿಶ್ವವಿದ್ಯಾಲಯದಿಂದ ಆದೇಶ ಹೊರಡಿಸಿದ್ದರೆ ಅದರ

ದಾಖಲೆಗಳು ಹಾಗೂ ಮಹಿಳಾ ವಿದ್ಯಾರ್ಥಿನಿಲಯದಲ್ಲಿ ಇರುವ ಬೋಧಕ ಸಿಬ್ಬಂದಿಗಳು ವಿಶ್ವವಿದ್ಯಾಲಯದ ಖಾತೆಗೆ ಹಣ ಸಂದಾಯ ಮಾಡಿದ್ದರೆ ಅದರ ದಾಖಲೆಗಳನ್ನು ಒದಗಿಸಲು ಲಿಖಿತವಾಗಿ ಡಾ. ಮಂಜುನಾಥ್ ರವರು ಕೇಳಿರುತ್ತಾರೆ.

ಸದರಿ ವಿಷಯದ ಬಗ್ಗೆ ವಿಶ್ವವಿದ್ಯಾಲಯವು ಗಂಭೀರವಾಗಿ ಪರಿಗಣಿಸಿದ್ದು ಉಲ್ಲೇಖ–01 ರ ಆದೇಶದಲ್ಲಿ ಇರುವ ಷರತ್ತು ಸಂಖ್ಯೆ–03 ರಂತೆ ಅತಿಥಿ ಉಪನ್ಯಾಸಕರ ದುರ್ನಡತೆ, ನಿರ್ಲಕ್ಷ್ಯತೆ, ಉದಾಸೀನತೆ, ಮನೋಭಾವ ಅಸಂಗತಿಗಳಿಂದ ವಿಶ್ವವಿದ್ಯಾಲಯಕ್ಕೆ ಸಂಬಂದಿಸಿದ ಕೆಲಸ ಕಾರ್ಯಗಳ ಆರ್ಥಿಕ ನಷ್ಟ ಉಂಟಾದಲ್ಲಿ ಅವರೇ ಭರಿಸಿಕೊಡಲು ಬದ್ದರಾಗಿರಬೇಕು. ಷರತ್ತು ಸಂಖ್ಯೆ–04 ರಂತೆ ಅತಿಥಿ ಉಪನ್ಯಾಸಕರು ವಿಶ್ವವಿದ್ಯಾಲಯದ ಅಧಿಕಾರಿಗಳು ಮತ್ತು ಸಂಬಂದಿಸಿದ ಮುಖ್ಯಸ್ಥರುಗಳು ಸೂಚಿಸುವ ಕೆಲಸಗಳನ್ನು ಶ್ರದ್ಧಾಪೂರ್ವಕವಾಗಿ ನಿರ್ವಹಿಸಬೇಕು. ಯಾವುದೇ ನಿರ್ಲಕ್ಷ್ಯ ಮತ್ತು ಉದ್ದಟತನದ ದೂರು ಬಂದಲ್ಲಿ ಅಥವಾ ಇವರ ಸೇವೆಯು ತೃಪ್ತಿಕರವಲ್ಲ ಎಂದು ಕಂಡು ಬಂದಲ್ಲಿ ಯಾವುದೇ ಮುನ್ಸೂಚನೆ ಇಲ್ಲದೆ ಇವರ ಸೇವೆಯನ್ನು ರದ್ದುಗೊಳಿಸಲಾಗುವುದು. ಸದರಿ ಷರತ್ತುಗಳನ್ನು ಬಹಳ ಸ್ಪಷ್ಟವಾಗಿ ಉಲ್ಲಂಘಿಸಿರುವುದು ದಾಖಲೆಗಳಿಂದ ಕಂಡು ಬಂದಿರುತ್ತದೆ.

4. ಪತ್ರಿಕೋದ್ಯಮ ವಿಭಾಗದ ಇ–ಮೇಲ್ ಐಡಿಯನ್ನು ಅಕ್ರಮವಾಗಿ ಬಳಸಿಕೊಂಡಿರುವ ಹಿನ್ನೆಲೆಯಲ್ಲಿ, ಸಂಯೋಜಕರು (ಡಾ. ಓಹಿಲ ಎಂ.ಪಿ) ಪತ್ರಿಕೋದ್ಯಮ ಮತ್ತು ಸಮೂಹ ಸಂವಹನ ವಿಭಾಗ, ಬೆಂ.ಉ.ವಿ.ವಿ. ಸ್ನಾತಕೋತ್ತರ ಕೇಂದ್ರ ಮಂಗಸಂದ್ರ, ಕೋಲಾರ ಈ ಸಂಬಂಧ ಅತಿಥಿ ಉಪನ್ಯಾಸಕರಾದ ಡಾ. ಮಂಜುನಾಥ್ .ಆರ್ ರವರ ಮೇಲೆ ನಿರ್ದೇಶಕರಿಗೆ ದಿ: 19.02.2025 ರಂದು ದೂರನ್ನು

ನೀಡಿರುತ್ತಾರೆ. ಮುಂದುವರೆದು ಈ ಸಂಬಂಧ ನಿರ್ದೇಶಕರು ಸ್ನಾತಕೋತ್ತರ ಕೇಂದ್ರ ಕೋಲಾರ, ರವರು ಸೈಬರ್ ಕ್ರೈಮ್ ಪೋಲಿಸ್ ಠಾಣೆ, ಕೋಲಾರ ಸದರಿಯವರ ಮೇಲೆ ಸೈಬರ್ ಕ್ರಿಮಿನಲ್ ಮೊಕದ್ದಮೆಯನ್ನು ಹೂಡಲು ಉಲ್ಲೇಖ–05 ರಂತೆ ದೂರನ್ನು ನೀಡಿರುತ್ತಾರೆ.

ಸದರಿ ವಿಷಯದ ಬಗ್ಗೆ ವಿಶ್ವವಿದ್ಯಾಲಯವು ಗಂಭೀರವಾಗಿ ಪರಿಗಣಿಸಿದ್ದು, ಉಲ್ಲೇಖ–01 ರ ಆದೇಶದಲ್ಲಿ ಇರುವ ಷರತ್ತುಗಳ ಸಂಖ್ಯೆ–03 ರಂತೆ ಅತಿಥಿ ಉಪನ್ಯಾಸಕರ, ದುರ್ನಡತೆ, ನಿರ್ಲಕ್ಷ್ಯತೆ, ಉದಾಸೀನತೆ, ಮನೋಭಾವ ಅಸಂಗತಿಗಳಿಂದ ವಿಶ್ವವಿದ್ಯಾಲಯಕ್ಕೆ ಸಂಬಂದಿಸಿದ ಕೆಲಸ ಕಾರ್ಯಗಳ ಆರ್ಥಿಕ ನಷ್ಟ ಉಂಟಾದಲ್ಲಿ ಅವರೇ ಭರಿಸಿಕೊಡಲು ಬದ್ದರಾಗಿರಬೇಕು. ಷರತ್ತು ಸಂಖ್ಯೆ–04 ರಂತೆ ಅತಿಥಿ ಉಪನ್ಯಾಸಕರು ವಿಶ್ವವಿದ್ಯಾಲಯದ ಅಧಿಕಾರಿಗಳು ಮತ್ತು ಸಂಬಂದಿಸಿದ ಮುಖ್ಯಸ್ಥರುಗಳು ಸೂಚಿಸುವ ಕೆಲಸಗಳನ್ನು ಶ್ರದ್ಧಾಪೂರ್ವಕವಾಗಿ ನಿರ್ವಹಿಸಬೇಕು. ಯಾವುದೇ ನಿರ್ಲಕ್ಷ್ಯ ಮತ್ತು ಉದ್ದಟತನದ ದೂರು ಬಂದಲ್ಲಿ ಅಥವಾ ಇವರ ಸೇವೆಯು ತೃಪ್ತಿಕರವಲ್ಲ ಎಂದು ಕಂಡು ಬಂದಲ್ಲಿ ಯಾವುದೇ ಮುನ್ಸೂಚನೆ ಇಲ್ಲದೆ ಇವರ ಸೇವೆಯನ್ನು ರದ್ದುಗೊಳಿಸಲಾಗುವುದು.

ಸದರಿ ಷರತ್ತುಗಳನ್ನು ಬಹಳ ಸ್ಪಷ್ಟವಾಗಿ ಉಲಂಘೀಕರಿಸಿರುವುದು ದಾಖಲೆಗಳಿಂದ ಕಂಡು ಬಂದಿರುತ್ತದೆ.

5. ಹಾಜರಾತಿ ಪುಸ್ತಕದಲ್ಲಿ ಗೈರು ಹಾಜರಾಗಿರುವ ಬಗ್ಗೆ ನಿರ್ದೇಶಕರು ಸ್ನಾತಕೋತ್ತರ ಕೇಂದ್ರ ಕೋಲಾರ ಇವರು ದಿನಾಂಕ: 01.03.2025 ರಂದು ಕಾರಣ ಕೇಳಿ ನೋಟೀಸನ್ನು ಉಲ್ಲೇಖ–06 ರಂತೆ ಜಾರಿಗೊಳಿಸಿರುತ್ತಾರೆ. ಈ ಸಂಬಂಧ ಅತಿಥಿ ಉಪನ್ಯಾಸಕರಾದ ಡಾ.ಮಂಜುನಾಥ್ ಆರ್ ರವರು ದಿನಾಂಕ: 03.03.2025 ರಂದು

ಪತ್ರದ ಮುಖಾಂತರ ಅಸಂಬದ್ಧ ಹೇಳಿಕೆಯನ್ನು ಲಿಖಿತ ರೂಪದಲ್ಲಿ ನೀಡಿರುತ್ತಾರೆ.

ಸದರಿ ವಿಷಯದ ಬಗ್ಗೆ ವಿಶ್ವವಿದ್ಯಾಲಯವು ಗಂಭೀರವಾಗಿ ಪರಿಗಣಿಸಿದ್ದು ಉಲ್ಲೇಖ–01 ರ ಆದೇಶದಲ್ಲಿ ಇರುವ ಷರತ್ತು ಸಂಖ್ಯೆ–14 ರಂತೆ ಪೂರ್ಣ ಕಾಲಿಕ ಅತಿಥಿ ಉಪನ್ಯಾಸಕರುಗಳು ಕೆಲಸದ ದಿನಗಳಲ್ಲಿ (working days) ವಾರದ 06 ದಿನಗಳು ಕಡ್ಡಾಯವಾಗಿ ತಮ್ಮ ಕಾರ್ಯಾಭಾರ (work load) ಹಂಚಿಕೆ ಮಾಡಿಕೊಳ್ಳತಕ್ಕದು ಮತ್ತು ಕಛೇರಿಗೆ ಹಾಜರಾಗಿ ಪೂರ್ಣವಾಧಿ ಕಾಲ ಇರತಕ್ಕದ್ದು. ಹಾಗೂ ವಾರದಲ್ಲಿ ಯಾವುದೇ ಒಂದು ದಿನ ವೇಳಾ ಪಟ್ಟಿಯಲ್ಲಿ ಕಾರ್ಯಾಭಾರ ಹಂಚಿಕೆಯಾಗದಿದ್ದಲ್ಲಿ ಸಹ ಕಚೇರಿಗೆ ಕಡ್ಡಾಯವಾಗಿ ಹಾಜರಾಗತಕ್ಕದು ಹಾಗೂ ವಿಭಾಗದ/ಕಛೇರಿಯ ಕೆಲಸ ಕಾರ್ಯಗಳಲ್ಲಿ ಕಡ್ಡಾಯವಾಗಿ ತೊಡಗಿಸಿಕೊಳ್ಳಬೇಕು. ಒಂದು ವೇಳೆ ಕಛೇರಿಗೆ ಹಾಜರಾಗದಿದ್ದಲ್ಲಿ ಬಯೋಮೆಟ್ರಿಕ್ ನ ಹಾಜರಾತಿ ಆಧಾರದ ಮೇಲೆ ಆ ದಿನದ ಸಂಭಾವನೆಯನ್ನು ಕಡಿತಗೊಳಿಸಲಾಗುವುದು ಹಾಗೂ ಅರೆಕಾಲಿಕ ಅತಿಥಿ ಉಪನ್ಯಾಸಕರು ತಮಗೆ ನಿಗದಿ ಪಡಿಸಿದ ವೇಳಾಪಟ್ಟಿಯಲ್ಲಿನ ದಿನಾಂಕಗಳಲ್ಲಿ ಕಛೇರಿ ಸಮಯದಲ್ಲಿ ಕಡ್ಡಾಯವಾಗಿ ಪೂರ್ಣಾವಧಿ ಇರತಕ್ಕದ್ದು. ಸದರಿ ಷರತ್ತನ್ನು ಬಹಳ ಸ್ಪಷ್ಟವಾಗಿ ಉಲ್ಲಂಘಿಸಿರುವುದು ದಾಖಲೆಗಳಿಂದ ಕಂಡು ಬಂದಿರುತ್ತದೆ.

6. ವಿದ್ಯಾರ್ಥಿಗಳ ಹಾಜರಾತಿ ನಕಲು ಪ್ರತಿಗಳು (ಡಿಸೆಂಬರ್ 2024 & ಜನವರಿ–2025) ಮತ್ತು ದೃಡೀಕರಿಸಿರುವ ಹಾಜರಾತಿ ದಾಖಲಾತಿಗಳು ಒಂದಕ್ಕೊಂದು ತಾಳೆಯಾಗದೇ ಇರುವುದು ಕಂಡು ಬಂದಿರುತ್ತದೆ. ಈ ಸಂಬಂಧ ನಿರ್ದೇಶಕರು ದಿನಾಂಕ:05.03.2025 ರಂದು ಕಾರಣ ಕೇಳಿ ನೋಟಿಸ್ ನ್ನು ಉಲ್ಲೇಖ–07 ರಂತೆ ಜಾರಿಗೊಳಿಸಿರುತ್ತಾರೆ. ಈ ಹಿನ್ನೆಲೆಯಲ್ಲಿ ಅತಿಥಿ ಉಪನ್ಯಾಸಕರಾದ ಡಾ.

ಮಂಜುನಾಥ್ ಆರ್. ರವರು ದಿನಾಂಕ 06.03.2025 ರಂದು ಇ–ಮೇಲ್ ಮುಖಾಂತರ ಅಸಮಂಜಸವಾದ ಉತ್ತರವನ್ನು ಲಿಖಿತ ರೂಪದಲ್ಲಿ ನೀಡಿರುತ್ತಾರೆ.

ಸದರಿ ವಿಷಯದ ಬಗ್ಗೆ ವಿಶ್ವವಿದ್ಯಾಲಯವು ಗಂಭೀರವಾಗಿ ಪರಿಗಣಿಸಿದ್ದು ಉಲ್ಲೇಖ–01 ರ ಆದೇಶದಲ್ಲಿ ಇರುವ ಷರತ್ತು ಸಂಖ್ಯೆ–03 ರಂತೆ ಅತಿಥಿ ಉಪನ್ಯಾಸಕರ, ದುರ್ನಡತೆ, ನಿರ್ಲಕ್ಷ್ಯತೆ, ಉದಾಸೀನತೆ, ಮನೋಭಾವ ಅಸಂಗತಿಗಳಿಂದ ವಿಶ್ವವಿದ್ಯಾಲಯಕ್ಕೆ ಸಂಬಂದಿಸಿದ ಕೆಲಸ ಕಾರ್ಯಗಳ ಆರ್ಥಿಕ ನಷ್ಟ ಉಂಟಾದಲ್ಲಿ ಅವರೇ ಭರಿಸಿಕೊಡಲು ಬದ್ದರಾಗಿರಬೇಕು. ಷರತ್ತು ಸಂಖ್ಯೆ–04 ರಂತೆ ಅತಿಥಿ ಉಪನ್ಯಾಸಕರು ವಿಶ್ವವಿದ್ಯಾಲಯದ ಅಧಿಕಾರಿಗಳು ಮತ್ತು ಸಂಬಂದಿಸಿದ ಮುಖ್ಯಸ್ಥರುಗಳು ಸೂಚಿಸುವ ಕೆಲಸಗಳನ್ನು ಶ್ರದ್ಧಾಪೂರ್ವಕವಾಗಿ ನಿರ್ವಹಿಸಬೇಕು. ಯಾವುದೇ ನಿರ್ಲಕ್ಷ್ಯ ಮತ್ತು ಉದ್ದಟತನದ ದೂರು ಬಂದಲ್ಲಿ ಅಥವಾ ಇವರ ಸೇವೆಯು ತೃಪ್ತಿಕರವಲ್ಲ ಎಂದು ಕಂಡು ಬಂದಲ್ಲಿ ಯಾವುದೇ ಮುನ್ಸೂಚನೆ ಇಲ್ಲದೆ ಇವರ ಸೇವೆಯನ್ನು ರದ್ದುಗೊಳಿಸಲಾಗುವುದು. ಸದರಿ ಷರತ್ತುಗಳನ್ನು ಬಹಳ ಸ್ಪಷ್ಟವಾಗಿ ಉಲ್ಲಂಘಿಸಿರುವುದು ದಾಖಲೆಗಳಿಂದ ಕಂಡು ಬಂದಿರುತ್ತದೆ.

7. ಪರೀಕ್ಷಾ ಮೇಲ್ವಿಚಾರಕ ಕಾರ್ಯಭಾರಕ್ಕೆ, ಗೈರು ಹಾಜರು ಆಗಿರುವ ಬಗ್ಗೆ ನಿರ್ದೇಶಕರು ದಿನಾಂಕ: 11.03.2025 ರಂದು ಕಾರಣ ಕೇಳಿ ನೋಟೀಸ್ ನ್ನು ಉಲ್ಲೇಖ–08 ರಂತೆ ಜಾರಿಗೊಳಿಸಿರುತ್ತಾರೆ. ಈ ಸಂಬಂಧ ಅತಿಥಿ ಉಪನ್ಯಾಸಕರಾದ ಡಾ. ಮಂಜುನಾಥ್ ಆರ್. ರವರು ದಿನಾಂಕ: 11.03.2025 ರಂದು ಇ–ಮೇಲ್ ಮುಖಾಂತರ ಅಸಂಬದ್ಧ ಹೇಳಿಕೆಯಾದ ನಾನು ದಿ: 11.03.2025 ರಂದು ತನಿಖಾ ಆಯೋಗದ ಮುಂದೆ ನನ್ನ ಉತ್ತರ ದಾಖಲಿಸಲು ಹೋಗಿರುತ್ತೇನೆ.

ವಿಶ್ವವಿದ್ಯಾಲಯವೇ ನೋಟಿಸ್ ನೀಡಿ ಹಾಜರಾಗಿ ಅಂತ ಹೇಳಿದ ಮೇಲೆ ಹಾಜರಾಗಬೇಕಲ್ಲವೇ? ಎಂದು ಅಸಮಂಜಸ ಹೇಳಿಕೆಯನ್ನು ಇ–ಮೇಲ್ ಮುಖಾಂತರ ದಿ: 11.03.2025 ರಂದು ಲಿಖಿತ ರೂಪದಲ್ಲಿ ನೀಡಿರುತ್ತಾರೆ.

ಸದರಿ ವಿಷಯದ ಬಗ್ಗೆ ವಿಶ್ವವಿದ್ಯಾಲಯವು ಗಂಭೀರವಾಗಿ ಪರಿಗಣಿಸಿದ್ದು ಉಲ್ಲೇಖ–01 ರ ಆದೇಶದಲ್ಲಿ ಇರುವ ಷರತ್ತು ಸಂಖ್ಯೆ–15 ರಂತೆ ಬೋಧನಾ ಅವಧಿ ಜೊತೆಗೆ ಪ್ರತಿ ದಿನ ಅತಿಥಿ ಉಪನ್ಯಾಸಕರುಗಳು ವಿಭಾಗದಲ್ಲಿ ಸಂಪೂರ್ಣ ಕಛೇರಿ ಅವಧಿಯಲ್ಲಿ ಲಭ್ಯವಿದ್ದು ವಿದ್ಯಾರ್ಥಿಗಳಿಗೆ ಮಾರ್ಗದರ್ಶನ ಹಾಗೂ ಉನ್ನತ ಅಧಿಕಾರಿಗಳು ಸೂಚಿಸುವ ಶೈಕ್ಷಣಿಕ ಪರೀಕ್ಷೆ, ನ್ಯಾಕ್ (NAAC) ಸಂಬಂದಿಸಿದಂತೆ ಮತ್ತು ವಿಶ್ವವಿದ್ಯಾಲಯದ ಇತರೆ ಕೆಲಸ ಕಾರ್ಯಗಳಲ್ಲಿ ತೊಡಗಿಸಿಕೊಳ್ಳುವುದು ಕಡ್ಡಾಯವಾಗಿರುತ್ತದೆ. ಸದರಿ ಷರತ್ತನ್ನು ಬಹಳ ಸ್ಪಷ್ಟವಾಗಿ ಉಲಂಘೀಕರಿಸಿರುವುದು ದಾಖಲೆಗಳಿಂದ ಕಂಡು ಬಂದಿರುತ್ತದೆ.

8. ಡಾ ಮಂಜುನಾಥ್ ಆರ್ ಅತಿಥಿ ಉಪನ್ಯಾಸಕರು, ಪತ್ತಿಕೋದ್ಯಮ ಮತು ಸಮೂಹ ಸಂವಹನ ವಿಭಾಗ, ಬೆಂ.ಉ.ವಿ.ವಿ ಸ್ನಾತಕೋತ್ತರ ಕೇಂದ್ರ ಮಂಗಸಂದ್ರ, ಕೋಲಾರ ಉಲ್ಲೇಖ–09 ರಂತೆ ಸದರಿಯವರು ಅಧೀನ ಕಾರ್ಯದರ್ಶಿಗಳು (UGC) ರವರಿಗೆ ಬೆಂ.ಉ.ವಿ.ವಿ ಯಲ್ಲಿ ಪಿ.ಹೆಚ್.ಡಿ ಪ್ರವೇಶಾತಿಗೆ ಸಂಬಂದಿಸಿದಂತೆ ಆರೋಪಗಳನ್ನು ಮಾಡಿ ಇ–ಮೇಲ್ ಮುಖಾಂತರ ದಿ:14.02.2025 ರಂದು ದೂರು ನೀಡಿರುತ್ತಾರೆ.

9. ಈ ಸಂಬಂಧ ಮಾನ್ಯ ಕುಲಪತಿಗಳು ಪಿ.ಹೆಚ್.ಡಿ ಪ್ರವೇಶಾತಿಗೆ ಸಂಬಂದಿಸಿದಂತೆ ಅಧೀನ ಕಾರ್ಯದರ್ಶಿಗಳಿಗೆ (UGC) ಪತ್ರದ

ಮುಖಾಂತರ ಸಂಜಾಯಿಷಿಯನ್ನು ದಿ: 17.02.2025 ರಂದು ನೀಡಿರುತ್ತಾರೆ.

ಸದರಿ ವಿಷಯದ ಬಗ್ಗೆ ವಿಶ್ವವಿದ್ಯಾಲಯವು ಗಂಭೀರವಾಗಿ ಪರಿಗಣಿಸಿದ್ದು ಉಲ್ಲೇಖ–01 ರ ಆದೇಶದಲ್ಲಿ ಇರುವ ಷರತ್ತು ಸಂಖ್ಯೆ–04 ರಂತೆ ಅತಿಥಿ ಉಪನ್ಯಾಸಕರು ವಿಶ್ವವಿದ್ಯಾಲಯದ ಅಧಿಕಾರಿಗಳು ಮತ್ತು ಸಂಬಂದಿಸಿದ ಮುಖ್ಯಸ್ಥರುಗಳು ಸೂಚಿಸುವ ಕೆಲಸಗಳನ್ನು ಶ್ರದ್ಧಾಪೂರ್ವಕವಾಗಿ ನಿರ್ವಹಿಸಬೇಕು. ಯಾವುದೇ ನಿರ್ಲಕ್ಷ್ಯ ಮತ್ತು ಉದ್ದಟತನದ ದೂರು ಬಂದಲ್ಲಿ ಅಥವಾ ಇವರ ಸೇವೆಯು ತೃಪ್ತಿಕರವಲ್ಲ ಎಂದು ಕಂಡು ಬಂದಲ್ಲಿ ಯಾವುದೇ ಮುನ್ಸೂಚನೆ ಇಲ್ಲದೆ ಇವರ ಸೇವೆಯನ್ನು ರದ್ದುಗೊಳಿಸಲಾಗುವುದು. ಸದರಿ ಷರತ್ತುಗಳನ್ನು ಬಹಳ ಸ್ಪಷ್ಟವಾಗಿ ಉಲ್ಲಂಘಿಸಿರುವುದು ದಾಖಲೆಗಳಿಂದ ಕಂಡು ಬಂದಿರುತ್ತದೆ.

10. ಡಾ ಮಂಜುನಾಥ್ ಆರ್ ಅತಿಥಿ ಉಪನ್ಯಾಸಕರು, ಪತ್ತಿಕೋದ್ಯಮ ಮತು ಸಮೂಹ ಸಂವಹನ ವಿಭಾಗ, ಬೆಂ.ಉ.ವಿ.ವಿ ಸ್ನಾತಕೋತ್ತರ ಕೇಂದ್ರ ಮಂಗಸಂದ್ರ, ಕೋಲಾರ ಉಲ್ಲೇಖ–10 ರಂತೆ ನನಗೆ ಬ್ಲಾಕ್ ಮೇಲ್, ತೇಜೋವಧೆ, ನೌಕರರಿಗೆ ತೊಂದರೆ ಜಾತಿ ನಿಂದನೆ ಮಾಡುತ್ತಿರುವ ಬೆಂ.ಉ.ವಿ.ವಿ. ಯ ಕುಲಪತಿಗಳಾದ ಪ್ರೋ. ನಿರಂಜನ್ ರವರ ವಿರುದ್ದ ಕಾನೂನು ಕ್ರಮ ಜರುಗಿಸಬೇಕೆಂದು ದೂರನ್ನು ಪ್ರಭಾರ ಪೋಲೀಸ್ ಉಪಾದೀಕ್ಷಕರು ನಾಗರೀಕ ಹಕ್ಕು ಜಾರಿ ನಿರ್ದೇಶನಾಲಯ ಪೊಲೀಸ್ ಠಾಣೆ ಕೋಲಾರ ರವರಿಗೆ ನೀಡಿರುತ್ತಾರೆ.

ಈ ಸಂಬಂಧ ಮಾನ್ಯ ಕುಲಪತಿಗಳಿಗೆ ದಿ: 12.03.2025 ರಂದು ಪೊಲೀಸ್ ಸಬ್ ಇನ್ಸ್‌ಪೆಕ್ಟರ್, ಗಲ್ ಪೇಟೆ, ಪೊಲೀಸ್ ಠಾಣೆ ಕೋಲಾರ ರವರ ಪತ್ರದ ಮುಖಾಂತರ ವಿಶ್ವವಿದ್ಯಾಲಯದ ಸಿಂಡಿಕೇಟ್ ಸದಸ್ಯರು ಹಾಗೂ ಅತಿಥಿ ಉಪನ್ಯಾಸಕರವರ ಹೇಳಿಕೆಗಳನ್ನು ನೀಡಲು

ಗಲ್ ಪೇಟೆ, ಪೊಲೀಸ್ ಠಾಣೆ, ಕೋಲಾರ ಇಲ್ಲಿಗೆ ಕಳುಹಿಸಿಕೊಡಲು ಕೋರಿರುತ್ತಾರೆ.

ಸದರಿ ವಿಷಯದ ಬಗ್ಗೆ ವಿಶ್ವವಿದ್ಯಾಲಯವು ಗಂಭೀರವಾಗಿ ಪರಿಗಣಿಸಿದ್ದು ಉಲ್ಲೇಖ–01 ರ ಆದೇಶದಲ್ಲಿ ಇರುವ ಷರತ್ತು ಸಂಖ್ಯೆ–04 ರಂತೆ ಅತಿಥಿ ಉಪನ್ಯಾಸಕರು ವಿಶ್ವವಿದ್ಯಾಲಯದ ಅಧಿಕಾರಿಗಳು ಮತ್ತು ಸಂಬಂದಿಸಿದ ಮುಖ್ಯಸ್ಥರುಗಳು ಸೂಚಿಸುವ ಕೆಲಸಗಳನ್ನು ಶ್ರದ್ಧಾಪೂರ್ವಕವಾಗಿ ನಿರ್ವಹಿಸಬೇಕು. ಯಾವುದೇ ನಿರ್ಲಕ್ಷ್ಯ ಮತ್ತು ಉದ್ದಟತನದ ದೂರು ಬಂದಲ್ಲಿ ಅಥವಾ ಇವರ ಸೇವೆಯು ತೃಪ್ತಿಕರವಲ್ಲ ಎಂದು ಕಂಡು ಬಂದಲ್ಲಿ ಯಾವುದೇ ಮುನ್ಸೂಚನೆ ಇಲ್ಲದೆ ಇವರ ಸೇವೆಯನ್ನು ರದ್ದುಗೊಳಿಸಲಾಗುವುದು. ಸದರಿ ಷರತ್ತುಗಳನ್ನು ಬಹಳ ಸ್ಪಷ್ಟವಾಗಿ ಉಲ್ಲಂಘಿಸಿರುವುದು ದಾಖಲೆಗಳಿಂದ ಕಂಡು ಬಂದಿರುತ್ತದೆ.

12. ಮಾನ್ಯ ಕುಲಪತಿಗಳಿಗೆ ವಕೀಲರು (ಚಲಪತಿ) ಸಬ್ ರಿಜಿಸ್ಟರ್ ಆಫೀಸ್ ಹತ್ತಿರ ಕೋಲಾರ ಉಲ್ಲೇಖ–12 ರಂತೆ ನೋಟಿಸ್ ನ್ನು ನೀಡಿರುತ್ತಾರೆ ಈ ಸಂಬಂಧ ಮಾನ್ಯ ಕುಲಪತಿಗಳು ಸದರಿಯವರಿಗೆ ಸಂಜಾಯಿಷಿಯನ್ನು ದಿ: 4.03.2025 ರಂದು ಲಿಖಿತವಾಗಿ ನೀಡಿರುತ್ತಾರೆ.

ಸದರಿ ವಿಷಯದ ಬಗ್ಗೆ ವಿಶ್ವವಿದ್ಯಾಲಯವು ಗಂಭೀರವಾಗಿ ಪರಿಗಣಿಸಿದ್ದು ಉಲ್ಲೇಖ–01 ರ ಆದೇಶದಲ್ಲಿ ಇರುವ ಷರತ್ತು ಸಂಖ್ಯೆ–04 ರಂತೆ ಅತಿಥಿ ಉಪನ್ಯಾಸಕರು ವಿಶ್ವವಿದ್ಯಾಲಯದ ಅಧಿಕಾರಿಗಳು ಮತ್ತು ಸಂಬಂದಿಸಿದ ಮುಖ್ಯಸ್ಥರುಗಳು ಸೂಚಿಸುವ ಕೆಲಸಗಳನ್ನು ಶ್ರದ್ಧಾಪೂರ್ವಕವಾಗಿ ನಿರ್ವಹಿಸಬೇಕು. ಯಾವುದೇ ನಿರ್ಲಕ್ಷ್ಯ ಮತ್ತು ಉದ್ದಟತನದ ದೂರು ಬಂದಲ್ಲಿ ಅಥವಾ ಇವರ ಸೇವೆಯು ತೃಪ್ತಿಕರವಲ್ಲ ಎಂದು ಕಂಡು ಬಂದಲ್ಲಿ ಯಾವುದೇ ಮುನ್ಸೂಚನೆ ಇಲ್ಲದೆ

ಇವರ ಸೇವೆಯನ್ನು ರದ್ದುಗೊಳಿಸಲಾಗುವುದು. ಸದರಿ ಷರತ್ತುಗಳನ್ನು ಬಹಳ ಸ್ಪಷ್ಟವಾಗಿ ಉಲ್ಲಂಘಿಸಿರುವುದು ದಾಖಲೆಗಳಿಂದ ಕಂಡು ಬಂದಿರುತ್ತದೆ.

ಈ ಪ್ರಕರಣವನ್ನು ಸಂಬಂಧಪಟ್ಟ ಸಕ್ಷಮ ಪ್ರಾಧಿಕಾರವಾದ ಸಿಂಡಿಕೇಟ್ ಸಭೆಗೆ ಕಾರ್ಯಸೂಚಿಯನ್ನು ಮಂಡಿಸಲಾಗಿತ್ತು. ಹಾಗೂ ಉಲ್ಲೇಖ–12 ರಂತೆ ದಿನಾಂಕ: 04.02.2025 ರಲ್ಲಿ ನಡೆದ ಸಿಂಡಿಕೇಟ್ ಸಾಮಾನ್ಯ ಸಭೆಯಲ್ಲಿ ಶ್ರೀ ಮಂಜುನಾಥ ಆರ್ ರವರನ್ನು ಪತ್ರಿಕೋದ್ಯಮ ಮತ್ತು ಸಮೂಹ ಸಂವಹನ ವಿಭಾಗ ಇವರನ್ನು ತಾತ್ಕಾಲಿಕ ಅತಿಥಿ ಉಪನ್ಯಾಸಕ ಹುದ್ದೆಯಿಂದ ಬಿಡುಗಡೆಗೊಳಿಸುವುದು ಹಾಗೂ ಮುಂದಿನ ಮೂರು ವರ್ಷಗಳ ಅವಧಿಗೆ ಬೆಂಗಳೂರು ಉತ್ತರ ವಿಶ್ವವಿದ್ಯಾಲಯದಲ್ಲಿ ಅತಿಥಿ ಉಪನ್ಯಾಸಕ ಅರ್ಜಿಯನ್ನು ಮಾನ್ಯ ಮಾಡದಿರಲು ಹಾಗೂ ಉಲ್ಲೇಖ–13 ರಂತೆ ದಿನಾಂಕ: 25.03.2025 ರ ಸಿಂಟಿಕೇಟ್ ಸಾಮಾನ್ಯ ಸಭೆಯಲ್ಲಿ ಡಾ. ಮಂಜುನಾಥ ಆರ್ ಅತಿಥಿ ಉಪನ್ಯಾಸಕರು ಪತ್ರಕೋದ್ಯಮ & ಸಮೂಹ ಸಂವಹನ ವಿಭಾಗ ಇವರನ್ನು ತಕ್ಷಣದಿಂದ ಜಾರಿಗೆ ಬರುವಂತೆ ಸೇವೆಯಿಂದ ಬಿಡುಗಡೆಗೊಳಿಸಲು ಸಭೆಯಲ್ಲಿ ನಿರ್ಣಯಿಸಿತು.

ಈ ಹಿನ್ನೆಲೆಯಲ್ಲಿ ಡಾ. ಮಂಜುನಾಥ ಆರ್ ರವರು ಉಲ್ಲೇಖ–01 ರ ಆದೇಶದ ಷರತ್ತುಗಳಾದ 03,04,05,12,14 ಮತ್ತು 15 ಷರತ್ತುಗಳನ್ನು ಉಲ್ಲಂಘಿಸಿರುವುದು ದಾಖಲೆಗಳಿಂದ ಕಂಡು ಬಂದಿರುತ್ತದೆ ಈ ಸಂಬಂಧ ಸದರಿಯವರನ್ನು ಸಿಂಡಿಕೇಟ್ ನಿರ್ಣಯದಂತೆ ಮಾನ್ಯ ಕುಲಪತಿಗಳು ಅನುಮೋದಿಸಿರುವಂತೆ ಈ ಕೆಳಕಂಡ ಆದೇಶ".

12. The impugned termination order is stigmatic and the same has been passed without giving any opportunity of hearing to the petitioner. It is well settled law that, if the order of termination is stigmatic, the principle of natural justice has to be followed. After hearing the parties, an order has to be passed.

13. The contention of the learned counsel appearing for the respondent – University is that the petitioner is a contract employee and conducting an enquiry is not necessary. As per the terms of the contract, notice has been given. After considering his reply, the impugned order has been passed.

14. In view of the above, the point for consideration in this petition is,

> *Can the Vice-Chancellor terminate the service of the contract employee without giving any proper opportunity of hearing to the*

employee when the order of termination is not termination simplicitor, it is ex-facie stigmatic?

15. The learned counsel for the respondents contended that the contract employees are not holding civil posts, they can be terminated without giving any personal hearing. In support of his contention, he placed reliance on the judgment of the Apex Court in the case of **UNION PUBLIC SERVICE COMMISSION (supra).**

16. In this case, respondent No.1 was appointed as Drugs Inspector on short term contract basis for a period of six months. The appointment was renewed after every short breaks and continued for over five years. In the meantime, Notification was issued for selection to the post of Drugs Inspectors and the Recruitment Rule was amended. The upper age limit of 30 years was relaxed for the Government servant upto five years. The respondent No.1 also claimed the

same benefit, but it was denied. He has challenged the same before the Court. In the meantime, regular appointment was made and the respondent No.1's term has come to an end and it was not continued. In that case, the Apex Court has held that he is not a Government servant, he cannot seek protection under Article 311 of the Constitution of India. But in the case on hand, the petitioner was terminated by a stigmatic order, without giving personal hearing.

17. A three Judges Bench of the Apex Court in the case of **DR.VIJAYA KUMARAN C.P.V. vs. CENTRAL UNIVERSITY OF KERALA AND OTHERS** reported in **(2020) 12 SCC 426** in respect of probationary employees are concerned, held that the termination order was stigmatic and could be issued only after subjecting the appellant to regular enquiry as per the Service Rules. The relevant portion at paragraph Nos. 7 to 12 are extracted below:

"7. Accordingly, the moot question before us is whether the order dated 30-11-2017 can be regarded as order of termination simpliciter or is ex facie stigmatic? Going by the tenor of the stated order, it is incomprehensible as to how the same can be construed as termination simpliciter, when it has made the report of the inquiry conducted by the Internal Complaints Committee and the decision of the Executive Council dated 30-11-2017 as the foundation, in addition to the ground of academic performance. Had it been a case of mere unsatisfactory academic performance, the situation would have been entirely different. The stated order not only adverts to the report of the Internal Complaints Committee, but also the decision taken by the Executive Council, which in turn highlights the fact that the appellant had to face an inquiry before the Committee in reference to the allegations of serious misconduct committed by him. Notably, the appellant has been subjected to a formal inquiry before the Committee constituted under statutory regulations to inquire into the allegations bordering on moral turpitude or misconduct committed by the

appellant and that inquiry culminated in a finding of guilt against the appellant with recommendation of the Executive Council to proceed against the appellant as per the service rules. In such a situation, it is unfathomable to construe the order as order of termination simpliciter.

8. It is well-established position that the material which amounts to stigma need not be contained in the order of termination of the probationer, but might be contained in "any document referred to in the termination order". Such reference may inevitably affect the future prospects of the incumbent and if so, the order must be construed as ex facie stigmatic order of termination. A three-Judge Bench of this Court in Indra Pal Gupta v. Model Inter College had occasion to deal with somewhat similar situation. In that case, the order of termination referred to the decision of the Managing Committee and subsequent approval by the competent authority as the basis for termination. The resolution of the Managing Committee in turn referred to a report of the Manager which indicated serious issues and

that was made the basis for the decision by the Committee to terminate probation of the employee concerned.

9. Relying on the aforementioned decision, the Court in Dipti Prakash Banerjee v. Satyendra Nath Bose National Centre for Basic Sciences, observed as follows: (Dipti Prakash Banerjee case, SCC pp. 75-76, paras 32-35)

"32. The next question is whether the reference in the impugned order to the three earlier letters amounts to a stigma if those three letters contained anything in the nature of a stigma even though the order of termination itself did not contain anything offensive.

33. Learned counsel for the appellant relies upon Indra Pal Gupta v. Model Inter College[3] decided by a three-Judge Bench of this Court. In b that case, the order of termination of probation, which is extracted in the judgment, reads as follows: (SCC p. 386, para 1)

'1.... With reference to the above (viz. termination of service as Principal), I have to mention that in view of Resolution No. 2 of the Managing Committee dated 27-4-1969 (copy enclosed) and subsequent approval by the DIOS, Bulandshahr you are hereby informed that your service as Principal of this Institution is terminated....'

Now the copy of the resolution of the Managing Committee appended to the order of termination stated that the report of the Manager was read at the meeting and that the facts contained in the report of the Manager being serious and not in the interests of the institution, that therefore the Committee unanimously resolved to terminate his probation. The report of the Manager was not extracted in the enclosure to the termination order but was extracted in the counter filed in the case and read as follows: (SCC p. 388, para 3)

3...."It will be evident from the above that the Principal's stay will not be in the interest of the Institution. It is also evident that the

seriousness of the lapses is enough to justify dismissal but no educational institution should take all this botheration. As such my suggestion is that our purpose will be served by termination of his services. Why, then, we should enter into any botheration. For this i.e. for termination of his period of probation, too, the approval of the DIOS will be necessary. Accordingly, any delay in this matter may also be f harmful to our interests.

Accordingly I suggest that instead of taking any serious action, the period of probation of Shri Inder Pal Gupta be terminated without waiting for the period to end."'

It was held by Venkataramiah, J. (as he then was) (p. 392) that the letter of termination referred to the resolution of the Managing Committee, that g the said resolution was made part of the order as an enclosure and that the resolution in its turn referred to the report of the Manager. A copy of the Manager's report had been filed along with the counter and the said report was the "foundation". Venkataramiah, J. (as he then was) held that

the Manager's report contained words amounting to a stigma. The learned Judge said: "This is a clear case where the order of termination issued is merely a camouflage for un order imposing a penalty of termination of service on the ground of misconduct...', that these findings in the Manager's report amounted to a "mark of disgrace or infamy" and that the appellant there was visited with evil consequences. The officer was reinstated with all the benefits of back wages and continuity of service.

34. It will be seen from the above case that the resolution of the Committee was part of the termination order being an enclosure to it. But the offensive part was not really contained in the order of termination nor in the resolution which was an enclosure to the order of termination but in the Manager's report which was referred to in the enclosure. The said report of the Manager was placed before the Court along with the counter. The allegations in the Manager's report were the basis for the termination and the said report contained

words amounting to a stigma. The termination order was, as stated above, set aside.

35. The above decision is, in our view, a clear authority for the proposition that the material which amounts to stigma need not be contained in the order of termination of the probationer but might be contained in any document referred to in the termination order or in its annexures. Obviously, such a document could be asked for or called for by any future employer of the probationer. In such a case, the order of termination would stand vitiated on the ground that no regular enquiry was conducted. We shall presently consider whether, on the facts of the case before us, the documents referred to in the impugned order contain any stigma."

10. In Pavanendra Narayan Verma v. Sanjay Gandhi PGI of Medical Sciences, the Court observed thus: (SCC p. 528, para 21)

"21. One of the judicially evolved tests to determine whether in substance an order of termination is punitive is to see whether prior

to the termination there was (a) a full-scale formal enquiry (6) into allegations involving moral turpitude or misconduct which (c) culminated in a finding of guilt. If all three factors are present the termination has been held to be punitive irrespective of the form of the termination order. Conversely if any one of the three factors is missing, the termination has been upheld."

11. In the present case, all the three elements are attracted, as a result of which it must follow that the stated order is ex facie stigmatic and punitive. Such an order could be issued only after subjecting the incumbent to a regular inquiry as per the service rules. As a matter of fact, the Internal Complaints Committee had recommended to proceed against the appellant appropriately but the Executive Council proceeded under the mistaken belief that in terms of Clause 7 of the contract, it was open to the Executive Council to terminate the services of the appellant without a formal regular inquiry as per the service rules. Indisputably, in the present case, the Internal Complaints Committee was

constituted in reference to the complaints received from the girl students about the alleged misconduct committed by the appellant, which allegations were duly inquired into in a formal inquiry after giving opportunity to the appellant and culminated with the report recording finding against the appellant with recommendation to proceed against him.

12. Upon receipt of complaints from aggrieved women (girl students of the University) about the sexual harassment at workplace (in this case, University campus), it was obligatory on the Administration to refer such complaints to the Internal Committee or the Local Committee, within the stipulated time period as predicated in Section 9 of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (for short "the 2013 Act"). Upon receipt of such complaint, an inquiry is required to be undertaken by the Internal Committee or the Local Committee in conformity with the stipulations in Section 11 of the 2013 Act. The procedure for conducting such inquiry has also been amplified in the 2015 Regulations. Thus

understood, it necessarily follows that the inquiry is a formal inquiry required to be undertaken in terms of the 2015 Regulations. The allegations to be inquired into by such Committee being of "sexual harassment" defined in Section 2(n) read with Section 3 of the 2013 Act and being a serious matter bordering on criminality, it would certainly not be advisable to confer the benefit on such employee by merely passing a simple order of termination. Such complaints ought to be taken to its logical end by not only initiating departmental or regular inquiry as per the service rules, but also followed by the other actions as per law. In such cases, a regular inquiry or departmental action as per service rules is also indispensable so as to enable the employee concerned to vindicate his position and establish his innocence. We say no more.

18. Even in the latest decision of the Apex Court in the case of **SWATI PRIYADARSHINI vs. STATE OF MADHYA PRADESH AND OTHERS** reported in **2024 SCC Online SC 2139,** in which, the ratio laid down by the Apex Court is to the effect that even for

contractual appointment, if any stigmatic order is to be passed, it has to be passed after holding a proper enquiry and after giving due opportunity of hearing to the concerned employee. The relevant portion is at paragraph 34, which is extracted below:

> *"34. It is profitable to refer to what five learned Judges of this Court laid down in Parshotam Lal Dhingra v. Union of India, 1957 SCC OnLine SC 5:*
> *"28. The position may, therefore, be summed up as follows: Any and every termination of service is not a dismissal, removal or reduction in rank. A termination of service brought about by the exercise of a contractual right is not per se dismissal or removal, as has been held by this Court in Satish Chander Anand v. Union of India [(1953) 1 SCC 420: 1953 SCR 655]. Likewise the termination of service by compulsory retirement in terms of a specific rule regulating the conditions of service is not tantamount to the infliction of a punishment and does not attract Article 311(2), as has also been held by this Court in Shyam Lal v. State of Uttar Pradesh [(1954) 1 SCC 572: (1955) 1*

SCR 26). In either of the two abovementioned cases the termination of the service did not carry with it the penal consequences of loss of pay, or allowances under Rule 52 of the Fundamental Rules. It is true that the misconduct, negligence, inefficiency or other disqualification may be the motive or the inducing factor which influences the Government to take action under the terms of the contract of employment or the specific service rule, nevertheless, if a right exists, under the contract or the rules, to terminate the service the motive operating on the mind of the Government is, as Chagla, C.J., has said in Shrinivas Ganesh v. Union of India, [58 Bom LR 673: AIR 1956 Bom 455] wholly irrelevant. In short, if the termination of service is founded on the right flowing from contract or the service rules then, prima facie, the termination is not a punishment and carries with it no evil consequences and so Article 311 is not attracted. But even if the Government has, by contract or under the rules, the right to terminate the employment without going through the procedure prescribed for inflicting the punishment of dismissal or removal or

reduction in rank, the Government may, nevertheless, choose to punish the servant and if the termination of service is sought to be founded on misconduct, negligence, inefficiency or other disqualification, then it is a punishment and the requirements of Article 311 must be complied with. As already stated if the servant has got a right to continue in the post, then, unless the contract of employment or the rules provide to the contrary, his services cannot be terminated otherwise than for misconduct, negligence, inefficiency or other good and sufficient cause. A termination of the service of such a servant on such grounds must be a punishment and, therefore, a dismissal or removal within Article 311, for it operates as a forefeiture of his right and he is visited with the evil consequences of loss of pay and allowances. It puts an indelible stigma on the officer affecting his future career. A reduction in rank likewise may be by way of punishment or it may be an innocuous thing. If the government servant has a right to a particular rank, then the very reduction from that rank will operate as a penalty, for he will then lose the emoluments and privileges of

that rank. If, however, he has no right to the particular rank, his reduction from an officiating higher rank to his substantive lower rank will not ordinarily be a punishment. But the mere fact that the servant has no title to the post or the rank and the Government has, by contract, express or implied, or under the rules, the right to reduce him to a lower post does not mean that an order of reduction of a servant to a lower post or rank cannot in any circumstances be a punishment. The real test for determining whether the reduction in such cases is or is not by way of punishment is to find out if the order for the reduction also visits the servant with any penal consequences. Thus if the order entails or provides for the forfeiture of his pay or allowances or the loss of his seniority in his substantive rank or the stoppage or postponement of his future chances of promotion, then that circumstance may indicate that although in form the Government had purported to exercise its right to terminate the employment or to reduce the servant to a lower rank under the terms of the contract of employment or under the rules, in truth and reality the Government has

terminated the employment as and by way of penalty. The use of the expression "terminate" or "discharge" is not conclusive. In spite of the use of such innocuous expressions, the court has to apply the two tests mentioned above, namely, (1) whether the servant had a right to the post or the rank, or (2) whether he has been visited with evil consequences of the kind hereinbefore referred to? If the case satisfies either of the two tests then it must be held that the servant has been punished and the termination of his service must be taken as a dismissal or removal from service or the reversion to his substantive rank must be regarded as a reduction in rank and if the requirements of the rules and Article 311, which give protection to government servant have not been complied with, the termination of the service or the reduction in rank must be held to be wrongful and in violation of the constitutional right of the servant."

19. The Apex Court in the case of **U.P. STATE ROAD TRANSPORT CORPORATION AND OTHERS**

vs. BRIJESH KUMAR AND OTHERS reported in (2024) SCC Online SC 2282, held as below:

> *"19.The services of the respondent have been determined solely on the ground of misconduct as alleged but without holding any regular inquiry or affording any opportunity of hearing to him. The termination order has been passed on the basis of some report which probably was not even supplied to the respondent. No show cause notice appears to have been issued to the respondent. Therefore, the order of termination of his services, even if on contractual basis, has been passed on account of alleged misconduct without following the Principles of Natural Justice. The termination order is apparently stigmatic in nature which could not have been passed without following the Principles of Natural Justice."*

20. From the above judgment, it is very clear that the order of termination of service of contract employee is stigmatic. Before passing such an order, the authority is required to conduct an enquiry by

giving an opportunity of hearing to the employee. In the case on hand, in the impugned order, there are serious allegations made against the petitioner. The termination order at Annexure-S is stigmatic and the same is passed without hearing the petitioner. Therefore, the said order requires to be set aside and the matter requires to be sent back to the respondent – University for re-consideration. The point for consideration is answered accordingly.

21. The learned counsel for the respondent – University submitted that, even if this Court allows the writ petition and if the matter is sent back to the respondent – University for fresh enquiry, there cannot be a direction to re-instate the petitioner into the service. In support of his contention, he relied on the judgments of the Apex Court in the cases of **RAJIT SINGH (supra)** and **JAGDISH CHANDER (supra)**.

22. But, in the judgment of three Judge Bench of the Apex Court in the case of **DR.VIJAYAKUMARAN C.P.V. (supra),** the Apex Court held as follows:

> *"13. A priori, we have no hesitation in concluding that the impugned termination order dated 30-11-2017 is illegal-being ex facie stigmatic as it has been issued without subjecting the appellant to a regular inquiry as per the service rules. On this conclusion, the appellant would stand reinstated, but whether he should be granted back wages and other benefits including placing him under suspension and proceeding against him by way of departmental or regular inquiry as per the service rules, is, in our opinion, a matter to be taken forward by the authority concerned in accordance with law. We do not intend to issue any direction in that regard keeping in mind the principle underlying the exposition of the Constitution Bench in ECIL. v. B. Karunakar. In that case, the Court was called upon to decide as to what should be the incidental order to be passed by the Court in case after following necessary procedure, the Court/Tribunal was*

to set aside the order of punishment. The Court observed thus:(SCC p. 758. para 31)

"31.... Where after following the above procedure, the Court/Tribunal sets aside the order of punishment, the proper relief that should be granted is to direct reinstatement of the employee with liberty to the authority/ g management to proceed with the inquiry, by placing the employee under suspension and continuing the inquiry from the stage of furnishing him with the report. The question whether the employee would be entitled to the back wages and other benefits from the date of his dismissal to the date of his reinstatement if ultimately ordered, should invariably he left to be decided by the authority concerned according to law, after the culmination of the proceedings and depending on the final outcome. If the employee succeeds in the fresh inquiry and is directed to be reinstated, the authority should be at liberty to decide according to law how it will treat the period from the date of dismissal till the reinstatement and to what benefits, if any and the extent of the benefits, he will be entitled. The reinstatement made as a result of the

setting aside of the inquiry for failure to furnish the report, should be treated as a reinstatement for the purpose of holding the fresh inquiry from the stage of furnishing the report and no more, where such fresh inquiry is held. That will also be the correct position in law."

Following the principle underlying the above quoted exposition, we proceed to hold that even though the impugned order of termination dated 30.11.2017 is set aside in terms of this judgment, as a result of which the appellant would stand reinstated, but at the same time, due to flawed approach of the respondent No. 1 – University, the entitlement to grant backwages is a matter which will be subject to the outcome of further action to be taken by the University as per the service rules and in accordance with law.

23. In view of the above, the following order is passed:

(i) The writ petition is allowed.

(ii) The impugned order dated 09.04.2025 vide Annexure-S, passed by respondent No.2 is set aside.

(iii) The respondent – University is directed to re-instate the petitioner into service.

(iv) The liberty is reserved to the respondent – University to conduct an enquiry afresh, in accordance with law.

Sd/-
(H T NARENDRA PRASAD)
JUDGE

CM/-