

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 15729/2025

Dr. Balraj Singh S/o Sh. Ranbir Singh, R/o Vice -Chancellors
Residence, Sri Karan Narendra Agriculture University, Jobner,
Jaipur (Raj.)

-----Petitioner

Versus

1. Chancellor, Sri Karan Narendra Agriculture University,
Jobner Through Its Secretary, Raj Bhawan, Jaipur.
2. State Of Rajasthan, Through Its Secretary, Department Of
Agriculture, State Secretariat, Jaipur.
3. Sri Karan Narendra Agriculture University, Through Its
Registrar, Jobner, Jaipur.

-----Respondents

For Petitioner(s)	:	Mr. Sunil Samdaria Mr. Arihant Samdaria
For Respondent(s)	:	Mr. Rajendra Prasad (Senior Advocate), A.G. with Mr. P.C. Sharma, Ms. Harshita Thakural, Avinash Choudhary, Sheetanshu Sharma and Mr. Tanay Goyal Mr. Basant Singh Chhaba, AAG

HON'BLE MR. JUSTICE ASHOK KUMAR JAIN

Order

14/10/2025

REPORTABLE

1. Instant Writ Petition is preferred by petitioner who was appointed as Vice-Chancellor, Sri Karan Narendra Agriculture University (hereinafter referred as the "University") under the Sri Karan Narendra Agriculture University, Jobner Act, 2013 (hereinafter referred as "Act of 2013") by order dated 29.09.2022 by the Chancellor (The Governor of State of Rajasthan) for a period of 3 years. Admittedly, the term of 3 years is going to an

end on 14.10.2025 as the petitioner has joined on the post of Vice-Chancellor of State University on 15.10.2022.

2. The Chancellor of University on 07.10.2025 has placed present petitioner under suspension pending enquiry by a enquiry panel constituted by letter dated 25.09.2025 in pursuant to powers under Section 25-A(1) of the Act of 2013 (as amended).

3. Aggrieved petitioner has filed the instant writ petition with following prayer:-

(i) To issue an appropriate writ, order quashing and set aside the impugned suspension order dated 07.10.2025 (Annexure-4) with all consequential benefits arising thereto.

(ii) Issue an appropriate writ order or direction directing the respondents to consider the candidature of petitioner for appointment as a Vice-Chancellor of the University in pursuance of agreement dated 14.08.2025 without taking into consideration impugned order dated 07.10.2025.

4. The matter was considered on 10.10.2025 wherein all parties have put in their appearances and when this matter is considered on 13.10.2025, the respondents have filed their replies and the petitioner also submitted his rejoinder. We have considered the entire petition, replies filed by respondent Nos. 1 and 2 and also by respondent No.3 along with documents as referred by both the parties. Also considered the judgments as referred during course of argument by learned counsel for petitioner, learned AG and learned counsel for respondent No.3.

5. Having taken note of each and every material we have made all endeavors to dispose of the petition after considering legal position but for sake of brevity we are not referring the pleadings of the parties in detail.

6. Learned counsel appearing on behalf of petitioner while referring Section 25-A(2) of Act of 2013 submitted that it is necessary for Chancellor to make consultation with the State Government but herein neither he made any consultation nor any reason has been assigned to avoid consultation. He further submitted that the provision is not a discretionary and any power has to be exercised only after consultation with the State Government. He further placed reliance upon judgment in case of **Dipak Babaria and Ors. Vs. State of Gujarat and Ors. (2013) 3 SCC 502** and **Dhanajaya Reddy Vs. State of Karnataka (2001) 4 SCC 9** to buttress his argument that when a specific act is prescribed to be performed in a specific manner then same has to be performed under the law in same manner. He also referred the provisions of removal of Vice-Chancellor and submitted that Vice-Chancellor is not an official who can be suspended in such light and fanciful manner by the Chancellor as he does not have any such power to suspend the Vice-Chancellor (petitioner herein).

7. Learned counsel has further referred the power of Vice-Chancellor as prescribed under the Act of 2013 and submitted that Section 26 prescribes the power and duties of Vice-Chancellor and under Sub-section (9) of Section 26 it is duty of the Vice-Chancellor to give effect to decisions of the Board regarding the appointments, promotions and dismissal of officers, teachers and other employees of the University and by circular dated 01.02.2022 no restriction can be placed upon the Vice-Chancellor to put a restriction on exercise of statutory power under the Act of 2013. He also submitted that present petitioner has performed his

duties under the Act and within the parameters prescribed under the law and there is no violation of any rule or procedure.

8. Learned counsel has further submitted that initially a Committee was constituted by the Chancellor by order dated 18.08.2025 under the Chairmanship of Secretary, Agriculture Department and report of Committee is filed along with reply by the respondent(s) and the report clearly indicate that present petitioner was not only exonerated but none of the allegation made in the representation or complaint were found proved. He referred report dated 11.09.2025 submitted by three member Committee to the Chancellor. He further submitted that on 07.10.2025, the Chancellor has constituted another Committee to enquire about the allegations made by Dr. Arjun Balodia whose services were terminated in accordance with procedure by the University. He further submitted in pursuant to decision about enquiry which was constituted on 07.10.2025, a decision was taken by the Chancellor on 06.10.2025 to place present petitioner under suspension who was scheduled to demit the Office on 15.10.2025. He further submitted that Dr. Arjun Balodia has also filed a writ petition to challenge his termination and same is pending today for consideration before this Hon'ble Court.

9. Learned counsel for petitioner also submitted that when a writ petition is pending to consider the validity of the termination order then any enquiry on said allegation is impressible. He further submitted that after a detailed enquiry conducted by the Secretary, Agriculture Department who is part of the Government did not found any substance in the allegations made against present petitioner then conducting a fresh enquiry on same

allegations is contrary to principle of natural justice. He also submitted that material placed on record by respondent(s) in their replies clearly indicate that the Chancellor with a pre-judicial approach has already made-up his mind on 06.10.2025 to place present petitioner under suspension. He concluded his argument by submitting that the impugned order is not only contrary to the provisions of law but it is also violative of principle of natural justice and petitioner is entitled for invocation of extra-ordinary jurisdiction of this Court.

10. Learned counsel for petitioner while placing reliance upon order dated 27.08.2024 in **S.B. Civil Writ Petition No. 10567/2024** titled as **Ashok Singh Vs. State of Rajasthan and Ors.** and submitted that a Co-ordinate Bench of this Hon'ble Court at Principal Seat, Jodhpur has considered a suspension order passed in mechanical and casual manner and set aside the same. He further referred order dated 06.05.2025 in **D.B. Civil Writ Petition No. 2402/2025** titled as **Sheetal Rathor Vs. State of Rajasthan and Ors.** passed by a Division Bench of this Hon'ble Court wherein judgment in case of **Mohinder Singh Gill and Anr. Vs. The Chief Election Commissioner, New Delhi and Ors. AIR 1978 SC 851** is referred and submitted the validity of any act has to be judged by the reasons so mentioned in the document and cannot be supplemented by reasons in shape of affidavit or otherwise.

11. Aforesaid contentions were vehemently opposed by learned Advocate General on the ground that petitioner has no right or authority to invoke extra-ordinary jurisdiction of this Court under Article 226 of the Constitution of India as order of suspension is

one of the incident of services and he placed reliance upon **State of Orissa Vs. Bimal Kumar Mohanty AIR 1984 SC 2296** and submitted that any person in employment can be placed under suspension during pendency of disciplinary inquiry on serious allegation of mis-conduct and normally Courts refrain from interfering in such orders.

12. Learned Advocate General has placed reliance upon Section 2(g) of the Act of 2013 for definition of Chancellor and further Section 8 of the Act to show obligations and powers of the Chancellor. He further referred Section 9 for visitation and inspection powers of the Chancellor. He also referred Section 24(i) and submitted that the Vice-Chancellor is an Officer of the University and he is just an Officer as the other officers under the Act. He further referred 25(1) and submitted that Vice-Chancellor is a whole time paid officer of the University and appointed by the Chancellor in consultation with the State Government which clearly signifies that Chancellor is an appointing authority of the Vice-Chancellor. He further referred Section 16 of General Clauses Act, 1897 and Section 18 of Rajasthan General Clauses Act and submitted that by virtue of general interpretation an appointing authority have a power to remove or place anybody under suspension as same is within the statutory power. He further referred Section 25-A(1) and submitted that the power of the removal the Vice-Chancellor vests with the Chancellor and it is not mandatory for him to consult State Government before exercising such powers. He further submitted that due process has been adopted by the Chancellor and the Chancellor is competent enough to consult Government Officers as provided under the law

and today he is not only making statement on behalf of the Chancellor but also on behalf of the State Government. He also submitted the Government is not in disagreement with order dated 07.10.2025 for placing present petitioner under suspension, therefore, same has to be considered in light of the spirit of defence made by the respondent(s).

13. Learned Advocate General has further referred doctrine of necessity and submitted that when certain things are warranted and required to be done immediately then such a decision can be taken by the Chancellor and considering the doctrine the order of suspension passed against present petitioner is in accordance with the provisions of law. He further submitted that as the restriction has placed upon the Vice-Chancellors not to take any policy decision in pursuant to circular dated 01.02.2022 during last 3 months of their tenure, and same is as per public policy. He also placed reliance upon decision making process adopted by the Chancellor by referring note-sheets of the Office of Chancellor and submitted that all decisions were taken in pursuant to note-sheet put up to the Chancellor and same is in accordance with rules and procedure established under the law.

14. Learned Advocate General has further submitted that initially a Committee under the Chairmanship of Secretary (Agriculture) was appointed by the Chancellor but contrary to the terms of the appointment. The Secretary has further appointed a sub-Committee on 21.08.2025 and based on report of Sub-Committee, the Secretary submitted report to the Chancellor which was not in accordance with terms of reference for enquiry panel and had prompted the Chancellor to appoint a new Committee under the

Chairmanship of Dr. Kailash Sodhani. At last, he referred and placed reliance upon judgment in case of **M.S. Sanjay Vs. Indian Bank and Ors. 2025 INSC 177** and submitted that the remedy under Article 226 of the Constitution of India is discretionary in nature and in a given case, even if some action or order challenged in the petition is found to be illegal and invalid, the High Court while exercising its extraordinary jurisdiction thereunder can refuse to upset it with a view to doing substantial justice between the parties.

15. Mr. B.S. Chabba, AAG adopt the arguments as advanced by learned Advocate General and submits that the State is in conformity with the action of the Chancellor.

16. Heard learned counsels for petitioner, learned AG and Learned AAG, appearing for respondents. Perused the material placed on record along with judgments as referred by both the parties.

17. Sri Karan Narendra Agriculture University, Jobner was established by the enactment passed by the Rajasthan State Legislature which receives the assent of the Governor on 13.09.2023. Section 3(2) clearly provides that University shall consists of a Chancellor, Vice-Chancellor and other authorities as provided in the statute. The definition of Chancellor is provided under Section 2(g) and the power and obligations of the Chancellor are provided under Sections 8 and 9 of the Act of 2013. Section 8(2) clearly provides that the Chancellor shall be the head of the University and shall when present, preside at the convocation of the University. Section 9 authorizes the Chancellor about his authority of visitation and inspection. The provisions

made in the Act of 2013 makes it clear that Chancellor is a supreme authority for the University and no person can including present petitioner challenge his supermacy under the Act of 2013.

18. Section 24 defines the Officers of the Universities and under (i) the Vice-Chancellor is included which means the Vice-Chancellor is an Officer of University. Section 25(1) makes it clear that the Vice-Chancellor shall be a whole time paid officer of the University and shall be appointed by the Chancellor which means the Chancellor is the appointing authority for the Vice-Chancellor and Vice-Chancellor is subordinate to Chancellor. The general law as mentioned by learned AG under the General Clauses Act also makes it clear that the appointing authority has the power to remove, dismiss or suspend any person for whom he is an appointing authority.

19. Section 26 provides powers and duties of the Vice-Chancellor but same has to be considered subject to exercise of power by the Chancellor as prescribed under Section 8 and 9 of the Act of 2013, thus, the powers and duties of the Vice-Chancellor are subjected to general superintendence by the Chancellor of the University. The Act of 2013 does not give any autonomous authority to the Vice-Chancellor and Vice-Chancellor cannot claimed to be an autocratic or autonomous body performing his function ignoring other provisions of law.

20. Section 25-A provides for removal of Vice-Chairman and same is reproduced as under:-

"Removal of Vice-Chancellor.- (1)
Notwithstanding anything contained in this Act, if at any time, on the report of the State Government or otherwise, in the opinion of the Chancellor, the Vice-Chancellor wilfully omits or refuses to carry out the provisions of this Act or abuses the powers vested in

him or if otherwise appears to the Chancellor that the continuance of the Vice-Chancellor in office is detrimental to the interest of the University, the Chancellor may, in consultation with the State Government, after making such inquiry as he deems proper, by order, remove the Vice-Chancellor:

Provided that the Chancellor may, in consultation with the State Government, at any time before making such order, place the Vice-Chancellor under suspension, pending enquiry:

Provided further that no order shall be made by the Chancellor unless the Vice-Chancellor has been given a reasonable opportunity of showing cause against the action proposed to be taken against him.

(2) During the pendency or in contemplation, of any inquiry referred to in sub-section (1) the Chancellor may, in consultation with the State Government, order that till further order.

(a) such Vice-Chancellor shall refrain from performing the functions of the office of Vice-Chancellor, but shall continue to get the emoluments to which he was otherwise entitled;

(b) the functions of the office of the Vice-Chancellor shall be performed by the person specified in order."

21. A perusal of Annexure A-7 indicate that on 18.08.2025, the Chancellor of University has constituted a Committee under the Chairmanship of the Secretary, Agriculture Department, Government of Rajasthan, Jaipur to enquire into the allegations made against the present petitioner. This Committee was constituted under Section 9(2) of the Act of 2013, to conduct an inquiry about allegations against present petitioner. The Order dated 18.08.2025 is reproduced as under:-

क्रमांक : एफ.47(3)आरबी / 2021 / 4550

आदेश

समस्त अधिकारीगण, कर्मचारीगण, छात्रगण एवं पीडित समस्त विश्वविद्यालय परिवार, श्री कर्ण नरेन्द्र कृषि विश्वविद्यालय जोबनेर, जयपुर द्वारा माननीय राज्यपाल महोदय के समक्ष अभ्यावेदन "श्री कर्ण नरेन्द्र कृषि विश्वविद्यालय, जोबनेर, जयपुर के कुलगुरु बलजराज सिंह उनके सहयोगी बसंत भींचर द्वारा सभी शैक्षणिक एवं अशैक्षणिक पदों की भर्ती में किए गए फर्जीवाड़ा रुपये लेकर की गयी नियुक्तियां, विश्वविद्यालय में नियम विरुद्ध किये गये आदेशों तथा महिलाओं के साथ किये गये अनुचित व्यवहार जैसे आदि कृत्य किये जाने के संबंध में"

जांच कराये जाने हेतु माननीय राज्यपाल एवं कुलाधिपति महोदय द्वारा श्री कर्ण नरेन्द्र कृषि विश्वविद्यालय, जोबनेर अधिनियम, 2013 (यथा संशोधित) की धारा 9(2) में प्रदत्त शक्तियों का प्रयोग करते हुए निम्नानुसार जांच समिति का गठन किया जाता है :-

1	शासन सचिव, कृषि विभाग, राजस्थान सरकार, जयपुर	अध्यक्ष
2	संयुक्त शासन सचिव, कृषि विभाग, राजस्थान सरकार, जयपुर	सदस्य
3	वित्तीय सलहाकार, कृषि विभाग, राजस्थान सरकार, जयपुर	सदस्य

जांच समिति द्वारा प्रकरण के संबंध में संबंधित को अपना पक्ष रखे जाने का अवसर देते हुए समस्त दस्तावेजों की जांच सम्पन्न कर **15 दिवस में जांच रिपोर्ट मय अनुशंसा** माननीय राज्यपाल एवं कुलाधिपति महोदय के समक्ष प्रस्तुत की जाएगी।

राज्यपाल की
आज्ञा से,

(**डॉ. पृथ्वी**)
सचिव,

राज्यपाल, राजस्थान

22. The material placed on record clearly indicate that present petitioner was placed under suspension after exercising power under Section 25-A(i) of the Act of 2013 and following order is passed by the Chancellor on 07.10.2025:-

आदेश

राजभवन के आदेश क्रमांक 5099—5100 दिनांक 29.09.2022 के द्वारा डॉ. बलराज सिंह को कार्यभार संभालने की तिथि से तीन वर्ष या सत्तर वर्ष की आयु प्राप्त कर लेने तक, इनमें से जो भी पहले हो, के लिए श्री कर्ण नरेन्द्र कृषि विश्वविद्यालय, जोबनेर का कुलगुरु नियुक्त किया गया था।

डॉ. बलराज सिंह, कुलगुरु, श्री कर्ण नरेन्द्र कृषि विश्वविद्यालय, जोबनेर द्वारा इस सचिवालय द्वारा जारी परिपत्र क्रमांक 543 दिनांक 01.02.2022 (कुलगुरु द्वारा अपने कार्यकाल के अंतिम तीन माह में कोई भी नीतिगत निर्णय नहीं लिये जाने के संबंध में) का उल्लंघन करते हुए विश्वविद्यालय अधिनियम/परिनियम में उल्लेखित अपने अधिकारों एवं क्षेत्राधिकार से बाहर जाकर कार्मिकों की सेवा बर्खास्तगी व स्थानान्तरण करने तथा कनिष्ठ अधिकारियों को महत्वपूर्ण पदों पर पदस्थापित कर वरिष्ठ अधिकारियों की अनदेखी कर विश्वविद्यालय का माहौल एवं छवि धूमिल करने का कृत्य किया गया है तथा लगातार जारी है। जो कि विश्वविद्यालय हित में नहीं है।

इस सचिवालय के आदेश क्रमांक 5258—59 दिनांक 25.09.2025 के माध्यम से कुलगुरु के विरुद्ध प्राप्त विभिन्न गंभीर प्रकृति की शिकायतों के संबंध में जांच हेतु एक जांच समिति का गठन किया गया है।

अतः मैं, हरिभाऊ बागड़े, राज्यपाल, राजस्थान एवं कुलाधिपति, श्री कर्ण नरेन्द्र कृषि विश्वविद्यालय, जोबनेर उक्त विश्वविद्यालय के अधिनियम, 2013 (यथा संशोधित) की धारा 25क की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उपर्युक्त तथ्यों के मद्देनजर

एवं जांच कार्य में बाधा उत्पन्न न हो एवं विश्वविद्यालय हित में डॉ. बलराज सिंह, कुलगुरु, श्री कर्ण नरेन्द्र कृषि विश्वविद्यालय, जोबनेर को कुलगुरु पद से तत्काल प्रभाव से निलम्बित करता हूँ।

हस्ता0/—

(हरिभाऊ बागडे)
राज्यपाल, राजस्थान एवं कुलाधिपति

23. The order dated 07.10.2025 issued by the Chancellor indicate that present petitioner is indulged in taking policy decisions contrary to circular dated 01.02.2022 and further a Committee is constituted on 25.09.2025 to inquire about the allegations made against the Vice-Chancellor. A copy of order dated 07.10.2025 for constituting a Committee under the Chairmanship of Mr. Kailash Sodhani is placed on record by both the parties and same is reproduced as under:-

क्रमांक : एफ.47(1)आरबी / 2024 / 5258

आदेश

डॉ. अर्जुन सिंह बलौदा, आचार्य कीट विज्ञान विभाग द्वारा माननीय राज्यपाल महोदय के समक्ष प्रस्तुत अभ्यावेदन पर रेव्यू करने के आशय से प्रार्थी की बर्खास्ती आदेश दिनांक 14.07.2025 की वैधता की जांच कराये जाने हेतु माननीय राज्यपाल एवं कुलाधिपति महोदय द्वारा श्री कर्ण नरेन्द्र कृषि विश्वविद्यालय, जोबनेर अधिनियम, 2013 (यथा संशोधित) की धारा 9 (1) व (2) में प्रदत्त शक्तियों का प्रयोग करते हुए निम्नानुसार जांच समिति का गठन किया जाता है :-

1	श्री कैलाश सोढाणी, पूर्व कुलगुरु, वर्धमान महावीर खुला विश्वविद्यालय, संयोजक कोटा	
2	श्री बी.एल. मेहरडा, पूर्व कुलसचिव, हरिदेव जोषी पत्रकारिता एवं जनसंचार विश्वविद्यालय, जयपुर	सदस्य
3	श्री महेश मीणा, वित्त नियंत्रक, वर्धमान महावीर खुला विश्वविद्यालय, कोटा	सदस्य

जांच समिति द्वारा प्रकरण के संबंध में संबंधित को अपना पक्ष रखे जाने का अवसर देते हुए समस्त दस्तावेजों की जांच सम्पन्न कर **15 दिवस में जांच रिपोर्ट मय अनुशंसा** माननीय राज्यपाल एवं कुलाधिपति महोदय के समक्ष प्रस्तुत की जाएगी।

जांच समिति को विश्वविद्यालय आने/जाने का T.A.\D.A. व बैठक चार्जेज (जैसा लागू हो) श्री कर्ण नरेन्द्र कृषि विश्वविद्यालय, जोबनेर द्वारा वहन किया जायेगा।

राज्यपाल की आज्ञा से,

(डॉ. कविता सिंह)
सचिव
राज्यपाल, राजस्थान

24. Aforementioned order indicate that Dr. Arjun Singh Baloda has filed a representation to the Chancellor to challenge his termination order dated 04.07.2025 and the Chancellor in exercise of his powers under Section 9(1) and (2) of the Act of 2013 has constituted a Committee. The order clearly indicate that in the term of reference does not contain any word about enquiry against alleged misconduct, committed by the present petitioner, whereas, the impugned order dated 07.10.2025 mentioned that by order dated 25.09.2025 a Committee is constituted to enquire into the allegation against the petitioner. We have reproduced the orders made by the Office of the Chancellor but we are refraining ourselves from expressing any opinion on poor drafting of letters (communication) by the Office of the Chancellor.

25. Legally speaking, the action taken by the Chancellor has to be justified on basis of record and the order has to be defended from the face of the record and not by law. The General Clauses Act clearly authorizes the Chancellor to remove, dismiss and suspend any person appointed by him. Section 25-A of the Act of 2013 was inserted by the State Legislature as an Act of 1/2022 (amended Act) and it authorizes the Chancellor to remove Vice-Chancellor but it is expected of the Chancellor to act in accordance with rider placed under the law.

26. The material submitted by respondent(s) clearly indicate that earlier the Chancellor has appointed a Committee under the Chairmanship of the Secretary, Agriculture Department vide order dated 18.08.2025 (Annexure R-1) and the Secretary has further appointed a Sub-Committee on 21.08.2025 by order dated 21.08.2025 (Annexure R-2). After the report of Sub-Committee (Annexure R-3), a report dated 12.09.2025 (Annexure R-4) is submitted to the Chancellor recommending the exoneration of the petitioner from all the allegations, referred in the letter dated 18.08.2025.

27. A note-sheet is referred by learned Advocate General to show internal communication of the Office of Chancellor. The note-sheet order dated 06.10.2025 prepared by Mr. Raj Kumar Sharma (Additional Administrative Officer) and submitted for approval clearly indicate that in pursuant to a Committee constituted under the Chairmanship of Kailash Sodhani to look into representation of Dr. Arjun Baloda, a further suggestion is made and thereafter a letter dated 07.10.2025 is addressed to Mr. Kailash Sodhani and same is reproduced as under:-

"सचिव

माननीय राज्यपाल, राजस्थान

क्रमांक: एफ.47(3) आरबी / 2021 / 5
दिनांक : 07 अक्टूबर 2025

श्री कैलाश सोढाणी,

संयोजक, जांच समिति,

श्री कर्ण नरेन्द्र कृषि विश्वविद्यालय, जोबनेर।

संदर्भ:- इस सचिवालय का आदेश क्रमांक 5258-59 दिनांक 25.09.2025

महोदय,

उपर्युक्त संदर्भित आदेश के क्रम में श्री कर्ण कृषि विश्वविद्यालय, जोबनेर जयपुर के कुलगुरु बलराज सिंह तथा उनके सहयोगी बसंत भीचर द्वारा सभी शैक्षणिक एवं अशैक्षणिक पदों की भर्ती में किये गए फर्जीवाड़ा रुपये लेकर की गयी नियुक्तियां विश्वविद्यालय के नियम

विरुद्ध किये गये ओदशों तथा महिलाओं के साथ किये गये अनुचित व्यवहार जैसे आदि किये जाने के संबंध में संबंधी प्रकरण की शासन सचिव, कृषि विभाग राजस्थान सरकार से करवायी गई जांच की जांच रिपोर्ट (प्रति संलग्न) तथा कुलगुरु एवं अन्य के विरुद्ध प्राप्त शिकायतों/पत्रों की छाया प्रतियां संलग्न कर प्रेषित है।

माननीय राज्यपाल एवं कुलाधिपति महोदय के निर्देशानुसार निवेदन है कि कृपया आपके संयोजक तत्व में गठित जांच समिति द्वारा इस पत्र के साथ प्रेषित जांच रिपोर्ट एवं शिकायत अभ्यावेदनों/पत्रों को भी अपनी जांच में सम्मिलित करते हुए विस्तृत जांच रिपोर्ट मय अभिशप्ता यथाशीघ्र भिजवाये जाने का श्रम करावें। ताकि तदनुसार उक्त जांच रिपोर्ट माननीय राज्यपाल एवं कुलाधिपति महोदय के समक्ष प्रस्तुत की जा सके।

संलग्न : उपर्युक्तानुसार

भवदीय

(डॉ. प्रथ्वी)''

28. When we collate all these communications then it is also apparent that by letter dated 25.09.2025 no reference is made for enquiry about any allegation against present petitioner but after note-sheet dated 06.10.2025, a specific letter dated 07.10.2025 is addressed to Mr. Kailash Sodhani. The material on record which we have noticed from N.175 of initial communication dated 06.10.2025, a proposal is prepared for approval and submitted to be sent to the to send the Government for post fact consensus, on action initiated against present petitioner.

29. Having considered the material available on record we can draw a conclusion that before placing present petitioner under suspension the Chancellor has not initiated any process of consultation with the State Government meaning thereby the State Government was not consulted before taking any decision in pursuant to Section 25-A(1) of the Act of 2013. The word used by Legislature is "may" but sometimes "may" has to be read as "shall" particularly when the University is funded by the State Government and moreover, a Committee under the Chairmanship of the Secretary, Agriculture is formed by the Chancellor which is sufficient to draw a conclusion that Chancellor is well-aware about

intention behind the insertion in the Act of 2013. In such circumstances it was obligation upon the Chancellor to consult the State Government and State Government does not mean a subordinate executive rather it means a political executive under Section 162 of the Constitution of India. The rules of business, framed under Article 162 also made it clear that the final decision making authority in most of the cases is the Minister on behalf of the Governor.

30. Section 9(2) of the Act clearly provides that the Chancellor, shall, in every case, give due notice to the University of his intention to cause an inspection or enquiry. It means if any inquiry is initiated by the Chancellor then due notice is required but it appears that when a Committee is constituted by order dated 25.09.2025 then the term of reference was not to enquire the role and involvement of present petitioner rather after note-sheet dated 06.10.2025, a private letter addressed to Kailash Sodhani was sent wherein for the first time the Chancellor has made it clear that Mr. Sodhani to investigate the role and involvement of present petitioner for the allegations made against him and not a single document is placed on record to show that the Chancellor has ever deviated and rejected the report submitted by the Secretary of Agriculture in pursuant to order dated 18.08.2025.

31. Having considered entire material available on record the several allegations were made against present petitioner and these allegations requires indulgence of the Chancellor or the State Government while making an inquiry but same has to be in accordance with law and not on "whims and fancies" of any individual. Every action has to be in conformity with the principle

of natural justice particularly when specifically provided under the law. If the Chancellor intended to initiate any enquiry, then obviously he cannot act as if he is a controlling administrative office of the Vice-Chancellor.

32. The material on record clearly indicate that before placing petitioner under suspension the Chancellor has neither intimated the State Government nor consulted the State Government about the proposed action. Similarly, no notice was served under Section 9(2) of the University about intention to cause an inquiry by the Chancellor. As per proviso no opportunity of show cause about the action proposed to be taken against the petitioner was afforded by the Chancellor. Herein, the inquiry was already instituted on 25.09.2025 but term of reference of enquiry panel are not in a relation to the allegations against present petitioner.

33. In case of **Mohinder Singh Gill and Anr. Vs. The Chief Election Commissioner, New Delhi (supra)** and as relied by the Division Bench of this court in case of **Sheetal Rathor Vs. State of Rajasthan and Ors. (supra)** it was laid down that validity of any action has to be judged by the reasons so mentioned in the document itself and same cannot be supplemented by subsequent reasons in shape of affidavit or otherwise. Herein, after constituting a Committee by order dated 25.09.2025, the petitioner was placed under suspension on 07.10.2025 only on the ground that petitioner is indulged in activities prejudicial to public policy and also, his continuous involvement in official duties may further damaging to the institution. The order for suspension dated 07.10.2025 indicate term of reference made to inquiry panel vide order dated

25.09.2025 but nothing is mentioned in order dated 25.09.2025. Thus, there is no justification in order dated 07.10.2025 about the suspension of present petitioner.

34. The letter dated 07.10.2025 issued to Mr. Kailash Sodhani clearly indicates that, contrary to previous communication, certain references were mentioned but same is contrary to order dated 25.09.2025 whereby a Committee was constituted to enquire into the allegations made in representation by Dr. Arjun. It is sufficient to show malice and bias in the instant case as on 06.10.2025, the Office of Chancellor has prepared a note sheet and on 07.10.2025, the Chancellor has approved the suspension of present petitioner along with enhancing term of reference of Inquiry Committee. In pursuant to enhancement in term of reference, no new order was issued by the Chancellor, rather a private letter was addressed to Mr. Kailash Sodhani. The dispatch number of suspension letter dated 07.10.2025 is 5385 and letter to Mr. Kailash Sodhani is probably despatched after the issuance of order of suspension to the petitioner.

35. The order of suspension clearly referred letter dated 25.09.2025 and does not refer any letter dated 07.10.2025, or allegations as proposed in note-sheet dated 06.10.2025. It clearly means that letter dated 07.10.2025 may be an afterthought process and probably created just to create a defence in the instant case. Having considered the material placed on record, there is no doubt that the Chancellor has an authority to place a Vice-Chancellor under suspension but only in consultation with State Government, if he intends to remove him under Section 25-A of Act of 2013. The doctrine of necessity permits an action that

would normally be illegal or unauthorized when such actions are essential to prevent a greater harm or to uphold fundamental constitutional principles. It is based on maxim that one act which is otherwise not lawfully is made lawful by necessity.

36. A duty lies upon the respondents to justify the action initiated by them by placing present petitioner under suspension. Section 25-A(2) specifically provides that the Chancellor may, during the pendency or in contemplation of an inquiry referred in sub-section (1), may, in consultation with State Government, prohibit the Vice-Chancellor for performing the functions of Office of Vice-Chancellor, and during this period he can authorize anyone to perform functions of Office of Vice-Chancellor. It clearly indicates that some contingencies are provided by the Legislature, and before acting in accordance with Section 25-A(1) of the Act of 2013, the justification has to be recorded by the Chancellor.

37. Any action that violates the principle of natural justice and denies any person a fair opportunity of hearing or opportunity to defend himself then, any decision whether made under the doctrine of necessity is null and void and same is required to be interfered by the court. It is well recognized legal maxim that 'audi alteram partem' means passing an order affecting rights without proper notice or a chance to be heard is violative of principle of natural justice.

38. In case of **K. Prabhakar Hegde vs Bank of Baroda 2025 INSC 997** and **Krishan Dutt Awasthi vs State of Madhya Pradesh 2025 INSC 126**, Hon'ble Supreme Court has considered the grounds of violation of principle of natural justice. The principle of natural justice does not mean that only on procedural

lapse one can consider violation of principle of natural justice, rather the totality of the circumstances must indicate violation of natural justice per se.

39. Considering aforesaid, it is apparent on record that the Chancellor acted in haste in drawing a conclusion to place present petitioner under suspension and there is no basis on record to justify suspension of present petitioner. The Chancellor has not made any effort to consult the State Government as mandated under Section 25A-(1) of the Act of 2013. The Chancellor has not served any notice of show cause before initiating any action against present petitioner, the Chancellor has even not intimated the University about his intention to institute an inquiry and enhancing the scope of inquiry on 07.10.2025. There is no justification by extending any parameter, therefore, the order of suspension is wholly unwarranted and contrary to the legal position as discussed hereinabove.

40. Herein this case, there are two contingencies under Section 25-A of the Act of 2013 and first one under Sub-Section(1) was invoked by the Chancellor but if there is any apprehension that the petitioner may act hastily and for personal gains during his last days, may indulge in certain activities which may be prejudicial to the public policies then the petitioner may be restrained under Section 25-A(2) of the Act of 2013, from performing duties and taking any decision.

41. In view of discussions made hereinabove, considering the allegations against the petitioner we are not inclined to set aside any of the inquiry proposed against the petitioner. Similarly, we are not inclined to direct the State Government or the Chancellor

to consider the candidature of present petitioner in pursuant to advertisement dated 14.08.2025 as the allegations were considered by Chancellor as serious and we do not want to substitute our opinion upon the wisdom of the Chancellor, therefore, the Writ Petition is liable to be partly allowed with certain rider upon present petitioner.

42. In view of discussions made hereinabove, the instant Writ Petition is partly allowed against the respondent(s) and order dated **07.10.2025** is hereby quashed and set aside for placing present petitioner under suspension from the post of Vice-Chancellor of the University- Sri Karan Narendra Agriculture University, Jobner. In order to do substantial justice, the petitioner is directed to join subject to restrictions under Sub-section (2) of Section 25-A of the 'Act of 2013' and he is refrained from performing the function of Vice-Chancellor and taking any decision in pursuant to reinstatement as Vice-Chancellor in the Office. It is also made it clear that the petitioner shall not be considered for any appointment till the enquiry report is submitted to the Chancellor and any decision is taken by the Chancellor on said report.

43. Misc. application(s), if any, also stands disposed.

(ASHOK KUMAR JAIN),J