



**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**



S.B. Civil Writ Petition No. 11133/2023

Dr. Mahipal Singh Sihag S/o Shri Ramjas Sihag, Aged About 54 Years, Resident Of R-8, Rajasthan University Campus, Jaipur-302004.

-----Petitioner

Versus

1. University Of Rajasthan, Through Its Registrar, Jln Marg, Jaipur
2. Professor Chandra Vijay Dhabariya, Head Of The Department Of Geography, University Of Rajasthan, Jaipur.

-----Respondents

For Petitioner(s) : Dr. Savita Sihag
For Respondent(s) : Mr. Ajit Maloo
Mr. Tanveer Ahamad

HON'BLE MR. JUSTICE ASHOK KUMAR JAIN

Order

02/02/2026

1. Instant writ petition has been filed by the petitioner with following prayers:

"It is, therefore, humbly prayed that this Honble Court be pleased to call for the entire record related to the case of the petitioner and after perusing the same may be pleased to accept and allow this writ petition :-

1. By appropriate writ, order or direction, the impugned order dated 18.07.2023 passed by the respondent no.1 appointing respondent no.2 to the post of Head Geography Department, University of Rajasthan, Jaipur be declared bad and illegal and same may be quashed and set aside and also issue a writ to restore the post of head of Department Geography, University of





Rajasthan, Jaipur of petitioner dated 21.04.2023 against the respondent no.1.

2. Any other appropriate order or direction which the Hon'ble Court may deem fit and proper in the facts and circumstances of the case.

3. Cost of the writ petition may also be awarded in favour of the petitioner."

2. Learned counsel for the petitioner submitted that the petitioner was appointed as Head, Geography Department, for a period of three years or till further orders vide order dated 21-04-2023. She further submitted that when the petitioner was discharging his functions as Head, Geography Department, an order dated 18-07-2023 was issued under the instructions of the Vice-Chancellor for removing the petitioner from the post of Head of Department (HOD) and handing over the charge to the Dean, Science Faculty. She further referred to the said order and submitted that a committee was constituted by the Vice-Chancellor on the basis of complaints made by some research students and teachers, as the petitioner had enforced the rule of 75% minimum attendance, and due to false complaints, the petitioner was removed without following principle of natural justice. She also submitted that thereafter, by order dated 04-10-2023, respondent No. 2 was appointed as HOD, Geography Department, by the Vice-Chancellor. She further referred to the order of seniority and submitted that the petitioner is senior to respondent No. 2 and was appointed under the rules. She further referred to the grounds as mentioned in the writ petition and submitted that the action of the Vice-Chancellor is malafide and arbitrary, as no show-cause notice was served upon the petitioner before passing





the order dated 18-07-2023. She also referred to the arbitrary action of the Vice-Chancellor and submitted that even the principles of natural justice were not observed before issuing any order or taking any action against the petitioner. She further referred to UGC (Minimum Standards and Procedure for Award of M.Phil./Ph.D. Degree) Regulations, 2009, and submitted that, contrary to the said Regulations, 126 students were admitted against the sanctioned strength of 26 seats, which is in violation of the UGC Regulations. She further referred to the guidelines relating to admission and allocation of supervisors to research students.

3. Aforesaid contentions were opposed by learned counsel appearing on behalf of the respondent No.1 on the ground that serious complaints were filed by students, research scholars, and teachers. It is further submitted that the petitioner, after being appointed as HOD, created an atmosphere whereby it became very difficult to manage the affairs of Department of Geography and, ultimately the committee constituted by the Vice-Chancellor and it has there was a lack of coordination between the HOD, teachers, and students. He further justified action taken against the petitioner and submitted not a single material is placed on record to show mala fide.
4. Heard learned counsel for the parties and perused the material placed on record.
5. The brief facts of the case are that the present petitioner, who is working as a Professor in the Geography Department





of the University of Rajasthan, Jaipur, was appointed as Head of the Geography Department (HOD) by order dated 21.04.2023 for a period of three years or till further orders. Under the instructions of the Vice-Chancellor of respondent No.1, a committee was constituted by order dated 18.07.2023, and the charge of HOD, Geography Department, was handed over to the Dean, Science Faculty. The petitioner has preferred the instant writ petition and, during the pendency of this writ petition, respondent No.2- Vijay Dhabariya Professor, was appointed as HOD till further orders. A Coordinate Bench, after considering the case of the petitioner, has refused to stay the order dated 18.07.2024 and observed as under:

"Having considered the material available on record, prima facie it appears that petitioner himself has made complaints before the concerned Police Station against students, teachers, and earlier head/dean of the Department as well as name of the then syndicate member has also been included in such complaints. Petitioner has not placed on record complaints allegedly made against him by students, researchers and teachers of the Geography Department. It appears that obviously some inter see dispute between petitioner and students, researchers & other faculty members of the Department, is undergoing, hence at this stage this Court does not find any prima facie case to stay the operation of the order dated 18.07.2023 in ex parte.

However, needless to observe that petitioner would be at liberty to participate in the inquiry, to be conducted by the Inquiry Committee, constituted pursuant to impugned order dated 18.07.2023."





6. The order dated 21.04.2023 clearly indicate that the present petitioner was appointed by the Vice-Chancellor for a period of three years or till further orders, which means the appointment was made after considering the candidature of the present petitioner. Even before the issuance of the order dated 21.04.2023, in compliance of the order of the Vice-Chancellor dated 20.04.2023, the Rajasthan University Teachers' Association (RUTA) has allegedly submitted a representation dated 19.04.2023 to the Vice-Chancellor for not appointing the present petitioner as HOD, Geography Department. Later, the document dated 19.04.2023 was submitted by respondent No.1, and it indicate that, in fact, it was received on 18.07.2023.

7. In the present case, even if some complaints were made on account of enforcement of strict discipline by the HOD, the same cannot be a ground to remove any HOD. The complaints attached by learned counsel for respondent No. 1 are not sufficient to draw a conclusion to remove or restrain the petitioner from discharging functions as HOD, Geography. All complaints were filed on 18.07.2023 and cognizance was taken on same day by the Vice-Chancellor.

8. The material on record is not sufficient to draw a conclusion that the petitioner was involved in any misuse of his office, either by corrupt practices or by extending extraordinary favour to anyone. As on today, it has become very difficult to maintain discipline among teachers and students of Universities and Colleges, funded by the Government. The situation has worsened to such an extent that courts have to





interfere to implement and enforce the 75% attendance rule to ensure study for students. All talented students are refraining from attending Government universities and colleges, particularly due to factors such as students' politics, non-availability of teachers, and lack of discipline in conducting classes. This has resulted in the mushrooming of coaching classes and big market place for assistive study material.

9. The material on record clearly indicate that all complaints either by the students or the teachers were filed on 18.07.2023 and on very same day the Vice-Chancellor has constituted a committee and with the constitution of the committee, the petitioner was restrained from discharging functions as HOD, Geography Department. The material placed on record is not sufficient to draw a conclusion that the petitioner was ever apprised of the complaints made against him. There is no record or communication to justify that the present petitioner was ever asked to explain the conduct as the petitioner was discharging functioning as HOD of the Geography Department. The copies of the complaints filed are even not sufficient to warrant an inquiry, as the complaints are neither verified nor substantiated by any material.
10. Learned counsel for respondent No.1 has submitted that the post of HOD does not have any financial perks, as it is an honorary post, and normally HODs are appointed on a rotational basis as per the seniority, at prerogative of the Vice-Chancellor. As regards to this argument is concerned, a





university which is funded by the government and operated in public interest and discharging public functions, should operate on the whims and desires of an individual. A professor cannot be subjected to harassment by another group of professor(s). We do not want to discuss the politics in educational institutions, particularly among professors (teachers) and the exploitation thereof, but it is always necessary for them to know the bounds and to behave in an ideal manner. The teachers are considered ideals for students, and it is always expected from teachers to show good conduct, however, in the present case, even the RUTA was involved in dirty politics to oppose the nomination of the present petitioner. There is no justification on record for the removal of the present petitioner from the post of HOD vide order dated 18.07.2023.

11. We are refraining ourselves from discussing the irregularities in admissions and other affairs of the Geography Department of the University, as it may affect other persons who are not parties to the proceedings. Rather, we are confining ourselves to the issue of removal of the present petitioner as HOD. Neither there is any justification nor compliance of the principles of natural justice, while removing the petitioner from the post of HOD, Geography Department, vide order dated 18.07.2023.

12. As regards to holding of the post of HOD at the pleasure of the Vice-Chancellor is concerned, we are of the view that in State-funded universities or educational institutions, there is no concept of personal pleasure. Before taking any action





against an individual by the Vice-Chancellor, the record must establish some justification and must be reflected on face of allegations. The removal of any individual must be in public interest and for public good, and not on whimsical satisfaction. It is duty of the Vice-Chancellor to act in the interest of public good and to ensure efficiency and integrity in public service. The material on record is not sufficient to justify removal of the petitioner from the post of HOD, and it is sufficient to draw a conclusion that the petitioner was removed in an arbitrary and unfair manner.

13. The conclusion drawn by the committee is also not sufficient to justify the removal of the petitioner from the post of HOD, Geography Department. Therefore, we have no option except to declare that the action of removal and restraining the petitioner from working as HOD, Geography Department, is illegal and unfair.
14. The action of the Vice-Chancellor in handing over the charge during the pendency of the writ petition is unsustainable. Similarly, during the pendency of this writ petition, the appointment of respondent No.2 as HOD is liable to be quashed, as the same was issued subject to the outcome of the writ petition.
15. In view of the discussion made herein-above, it is apparent on the face of the record that the petitioner was removed from the post of HOD in an arbitrary and illegal manner, and the appointment of respondent No.2 as HOD on 04.10.2023 is not justified, though no specific prayer has been made in the writ petition, however, the same is consequential to the





order dated 18.07.2023. The period of three years is still remaining, therefore, the petitioner is entitled to be reinstated as HOD, Geography Department.

16. Accordingly, the writ petition is allowed in the following terms:

(i) The impugned order dated 18.07.2023 (Annexure-6) whereby the petitioner was refrained and removed from discharging duties as Head, Geography Department of University of Rajasthan is hereby quashed and set aside.

(ii) The appointment of respondent no.2 Professor Chandra Vijay Dhabariya as Head, Geography Department vide order dated 04.10.2023 quashed, which was a consequential order passed during pendency of writ petition.

(iii) The petitioner is restored as Head, Geography Department till completion of three years as mandated vide order dated 21.04.2023 issued by the Registrar, University of Rajasthan.

17. No order as to costs.

(ASHOK KUMAR JAIN),J

CHETNA BEHRANI /204

