



2026:AHC:163039-DB

Reserved on 08.07.2026

Delivered on 05.08.2026

HIGH COURT OF JUDICATURE AT ALLAHABAD

SPECIAL APPEAL No. - 693 of 2025

Court No. – 39

Prof. Sanjay Mittal

.....Appellant

Versus

Union of India, Through Secretary, Ministry of Human Resources and
Development and 3 others

.....Respondent(s)

Along with:

SPECIAL APPEAL No. 879 of 2025:

Indian Institute of Technology and another

..... Appellant(s)

Versus

Prof. Sanjay Mittal and 2 others.

..... Respondent(s)

Counsel for Appellant(s)	:	Mr. G.K. Singh Senior Advocate, Mr. Avneesh Tripathi, Ms. Astha Misra, Mr. Rohan Gupta, Advocates
Counsel for Respondent(s)	:	A.S.G.I., Mr. Rohan Gupta, Mr. Sabhajeet Singh, Mr. Avneesh Tripathi, Advocates

HON'BLE SAUMITRA DAYAL SINGH, J.

HON'BLE SWARUPAMA CHATURVEDI, J.

(Per : Swarupama Chaturvedi, J.)

For the convenience of exposition, this common order is divided into
the following parts:

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I.**Introduction**

- Both intra-Court appeals, arise out of the order dated 09.05.2025 passed by the learned Single Judge in Writ-A No. 5151 of 2023, *Dr. Sanjay Mittal Vs. Union Of India and 3 Others*. Special Appeal No. 693 of 2025, if filed by Prof. Sanjay Mittal, (hereinafter referred to as “Prof. Mittal”) who is aggrieved by the judgment dated 09.05.2025 passed in Writ-A No. 5151 of 2023 insofar as it upholds the penalty of withholding two annual increments without cumulative effect for a period of two years and consequently seeks quashing of the resolution dated 23.07.2022 to that extent.
- On the other hand, Special Appeal No. 879 of 2025 has been preferred by the Indian Institute of Technology Kanpur (hereinafter referred to as the “IIT”) and its authorities questioning the judgment dated 09.05.2025 passed in Writ-A No. 5151 of 2023 insofar as it records that the departmental

inquiry suffered from procedural unfairness on account of denial of assistance of a legal practitioner or a fellow Professor and further holds that the punishment debarring Prof. Mittal from holding administrative responsibilities for a period of three years is not a penalty contemplated under Statute 13(9) of the IIT Kanpur Statutes. Accordingly, while Prof. Mittal seeks setting aside of the judgment to the extent adverse to him, the Institute seeks reversal of the findings rendered against it.

3. Since both appeals arise from the same order, based upon same factual background, with consent of parties they were being heard together and getting decided by this common order. Further, for the sake of convenience and to avoid any ambiguity in reference due to two appeals filed against same order and having opposite position as parties in both appeals, therefore contesting parties shall hereinafter be referred to as the "Prof. Mittal" and the "IIT", irrespective of their respective positions as appellants or respondents in the both connected appeals.

II.

Factual Background:

4. The appellant Prof. Mittal in the lead appeal is a Professor in the Department of Aerospace Engineering at IIT, wherein Dr. Subrahmanyam Saderla was appointed as an Assistant Professor on 28.12.2017 and joined IIT on 01.01.2018. The dispute starts on 04.01.2018, when a departmental get-together was organized to celebrate the New Year, following the joining of the newly appointed faculty members. Allegation is that during the said gathering, Prof. Mittal made remarks to the effect that the standard of the Department was deteriorating because of the recent faculty recruitments, which were allegedly directed at Dr. Subrahmanyam Saderla and caused him professional humiliation. Prof. Mittal disputes the allegations and contests the misinterpretation of the incident.

The respective submissions of the parties on this aspect shall be noticed separately.

5. It is an admitted position that on 09.01.2018, Prof. Mittal circulated an email convening a meeting of the faculty members of the Department on 10.01.2018, to discuss alleged procedural lapses in recent faculty recruitments. It is also undisputed that the invitation was not extended to Dr. Subrahmanyam Saderla and Dr. Raghvendra P. Kukillaya. As per IIT, exclusion of the above-mentioned faculty members was the conduct constituting harassment to those faculty members, whereas Prof. Mittal disputed such inference.
6. On 12.01.2018, Dr. Subrahmanyam Saderla submitted a written complaint alleging harassment and professional humiliation by Prof. Mittal and certain other faculty members. Pursuant thereto, the Officiating Director constituted an external Fact-Finding Committee on 27.01.2018 to inquire into the allegations. The Committee submitted its report on 08.03.2018, which was placed before the Board.
7. According to IIT, the Fact-Finding Committee found Prof. Mittal and three other faculty members *prima facie* responsible for harassing Dr. Subrahmanyam Saderla. Prof. Mittal, however, submitted representations dated 18.03.2018 questioning the fairness and legality of the fact-finding process and disputing the conclusions recorded therein. Thereafter, on 19.03.2018, the Board resolved to initiate disciplinary proceedings against the Prof. Mittal under the Central Civil Services (Classification, Control and Appeal) Rules, 1965 (hereinafter referred to as the “CCS Rules” or “Rules”).
8. Consequently, the Memorandum dated 25.04.2018 was issued by the Chairman of the Board alleging serious misconduct and violation of Rule 3(a) and Rule 3(b) of the

Conduct Rules provided under Schedule B of IIT Kanpur Statutes. The Memorandum proposed to hold an inquiry under Statute 13(9) of the IIT Kanpur Statutes and required Prof. Mittal to submit his written statement of defence along with supporting documents and the list of witnesses within seven days of receipt thereof. Prof. Mittal submitted his reply dated 12.05.2018 denying all the charges levelled against him.

9. On 31.05.2018, the Chairman of the Board appointed Hon'ble Mr. Justice Saeed-uz-Zaman Siddiqui, a retired Judge of the High Court, as the Inquiry Authority to conduct a joint departmental inquiry against Prof. Mittal and three other faculty members. For this inquiry, Professor Kripa Shankar was appointed as the Presenting Officer by IIT. During the inquiry, Prof. Mittal sought permission to be represented by an Advocate or by a fellow Professor, which was rejected by the Inquiry Authority on 23.06.2018. According to Prof. Mittal, such rejection was contrary to the legal principles which gives him right to get effectively represented, whereas IIT maintains that the inquiry was conducted in accordance with the applicable rules and procedure.
10. The Inquiry Authority submitted its report dated 17.08.2018 holding Prof. Mittal guilty of the misconduct alleged in the charge-sheet. Thereafter, the Board, by its decision dated 06.09.2018, did not accept the findings insofar as the allegations relating to caste-based misconduct were concerned and dropped the said charges. Prof. Mittal disputed various findings recorded by the Inquiry Authority and contended that the inquiry suffered from procedural as well as substantive infirmities.
11. Meanwhile, on 18.11.2018, an FIR bearing No. 1283 of 2018 came to be lodged by Dr. Subrahmanyam Saderla against Prof. Mittal under Section 500 IPC, Section 186 IPC, Section

66D of the Information Technology Act, 2000, and Section 3(2) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. The said FIR was quashed by the High Court on 05.03.2020 in Criminal Miscellaneous Writ Petition No. 33609 of 2018. The Special Leave to Appeal (Criminal) No. 3663 of 2020 preferred against the order of quashing was disposed of by the Supreme Court on 14.02.2023 observing that allegation and cross allegation not only affect the image of individuals, it also affects the image of the institution and continuation of the criminal proceedings in question would impede restoration of normalcy and cordiality amongst the parties and recommending that the Board to invite all the concerned faculty members together and resolve if there are any misunderstanding. In conclusion, the order of the High Court quashing the FIR was not interfered by the Supreme Court and same attained finality.

12. Following submission of the inquiry report, Prof. Mittal submitted detailed representations dated 03.10.2018, 06.10.2018 and 09.10.2018 challenging the findings recorded by Inquiry Authority. The Board considered the matter and thereafter rejected Prof. Mittal's representations on 17.10.2018 and, after issuing a show-cause notice, passed the penalty order dated 08.03.2019 imposing the punishment of withholding two annual increments with cumulative effect for two years and debarring Prof. Mittal from holding any administrative responsibility for a period of three years.

13. Aggrieved thereby, Prof. Mittal instituted Writ-A No. 5103 of 2019 before this High Court, which was allowed by judgment dated 11.05.2022. By the above-mentioned judgement, the penalty order dated 08.03.2019 was quashed and the matter was remitted to the Board for passing a fresh

reasoned order after reconsidering the inquiry report as well as the representations submitted by Prof. Mittal.

14. Pursuant to the above-mentioned judgement of this Court, the Board reconsidered the matter and passed a fresh resolution on 23.07.2022. The Board resolved to impose a modified penalty of withholding two annual increments without cumulative effect for a period of two years while continuing the restriction on Prof. Mittal from holding any administrative responsibility for a period of three years. In implementation of the said resolution, the Director issued a formal office order dated 01.08.2022.
15. Aggrieved by the resolution dated 23.07.2022 and the consequential office order dated 01.08.2022, Prof. Mittal again approached this Court in Writ-A No. 5151 of 2023 wherein the order dated 09.05.2025 was passed, which is the judgment under challenge in both these connected Special Appeals.

III.

Impugned Order:

16. Having noticed the factual background giving rise to the present appeal, it would be appropriate to briefly present the findings recorded by the learned Single Judge in the impugned judgment.
17. The learned Single Judge first examined the challenge to the disciplinary proceedings on the ground of procedural unfairness and observed that the inquiry proceedings were not entirely free from procedural infirmities, particularly inasmuch as the Prof. Mittal's request to be represented by a legal practitioner, despite the Inquiry Authority being a retired Judge of the High Court, had been declined. However, learned Single Judge held that the validity of the inquiry proceedings could no longer be reopened in the present writ petition. The Court noted

that the earlier writ petition, being Writ-A No. 5103 of 2019, had culminated in an order remanding the matter to the Board only for reconsideration of the inquiry report and the representations submitted by Prof. Mittal before passing a fresh order. Since the inquiry report itself had not been set aside in the earlier proceedings, the learned Single Judge held that Prof. Mittal was precluded from assailing the legality of the inquiry afresh.

18. Proceeding to examine the merits of the disciplinary action, the learned Single Judge rejected the Prof. Mittal's contention that the allegations, even if accepted, did not amount to misconduct. The Court observed that although colleagues may hold differing opinions regarding appointments made by the institution, openly questioning the employer's recruitment decisions during a departmental gathering and convening a meeting of faculty members to deliberate upon the merits of any appointment without institutional authorization, constituted conduct inconsistent with the discipline expected of members of the faculty and was capable of attracting disciplinary action.

19. The learned Single Judge thereafter examined the validity of the punishments imposed upon Prof. Mittal with reference to Statute 13(9)(b) of the IIT Kanpur Statutes. Insofar as the direction debarring Prof. Mittal from holding any administrative responsibility for a period of three years was concerned, learned Single Judge held that such a consequence was not one of the penalties prescribed under the Statutes. The contention of IIT that the said direction was merely an administrative or preventive measure and not a punishment was rejected, and the learned Single Judge concluded that the Board lacked statutory authority to create such a dis-entitlement for Prof. Mittal.

20. With regard to the penalty of withholding two annual increments without cumulative effect for a period of two years, the learned Single Judge held that the same squarely fell within the category of minor penalties contemplated under Statute 13(9)(b). It was further held that the procedural requirements applicable to the imposition of such a penalty had been duly complied with, inasmuch as Prof. Mittal had been afforded an opportunity to submit his representation before the competent authority. Consequently, no procedural illegality was found in the imposition of the said punishment.

21. In view of the aforesaid findings, the learned Single Judge partly allowed the writ petition. The resolution of the Board dated 23.07.2022 and the consequential office order dated 01.08.2022 were quashed only to the extent that they debarred Prof. Mittal from holding administrative responsibilities for a period of three years, and it was directed that no embargo shall remain upon Prof. Mittal in that regard. However, the punishment of withholding two annual increments without cumulative effect for a period of two years was upheld.

IV.

Proceedings in Special Appeals

22. After the impugned judgment came to be challenged by both sides, the present Special Appeal No. 693 of 2025 was initially listed on 01.09.2025 and got adjourned on request of both contesting parties, subsequently, Special Appeal No. 879 of 2025, preferred by IIT against the same judgment dated 09.05.2025 passed in Writ-A No. 5151 of 2023, came up before this Court and, by order dated 24.09.2025, the said appeal was directed to be connected with the appeal filed by Prof. Mittal.

23. Thereafter, the connected appeals were listed on 06.07.2026, where after hearing learned counsel for the

contesting parties, this Court observed that the appeals required serious consideration and directed that the matters be listed on 08.07.2026. By the same order, the Court stayed the operation and effect of the impugned judgment as well as the punishment order. Since pleadings were exchanged at writ stage, with consent of parties, the hearing took place at length on 08.07.2026, and while reserving the judgement, liberty was granted to learned counsels appearing for respective parties to file written submission by next day.

V.

Submissions on behalf of Prof. Mittal

24. Mr. G.K. Singh learned Senior Advocate assisted by Mr. Avneesh Tripathi learned Advocate appearing for Prof. Mittal submitted that the impugned judgment, insofar as it upholds the punishment of withholding two annual increments without cumulative effect, suffers from manifest error in law and fact and is liable to be set aside. It was contended that the learned Single Judge failed to appreciate that the materials on record did not disclose any misconduct warranting disciplinary action and that the findings recorded by the Board are unsupported by any evidence and there was no proven misconduct under any Rules requiring any action.

25. It was submitted that the allegation that Prof. Mittal made disparaging remarks during the departmental gathering held on 04.01.2018 is founded entirely on hearsay and Prof. Mittal never said anything which comes under the purview of misconduct. As per Mr. Singh learned senior counsel representing Prof. Mittal that the complainant had admittedly not heard any such alleged conversation by himself. It was further contended that Dr. Satdal Ghosh of IIT Madras, with whom Prof. Mittal was allegedly conversing at the relevant time, had categorically stated through an email that their

discussion did not concern any individual faculty member and contained no element of harassment whatsoever. Learned Senior Counsel, therefore, submitted that the very foundation of the principal charge stands demolished by the contemporaneous evidence available on record.

26. Learned Senior Counsel further argued that the inquiry ignored the testimony of material witnesses. Particular emphasis was laid upon the evidence of PW-8, Dr. Abhijeet Kushari, who was then functioning as the Acting Head of the Department. It was submitted that PW-8 had himself attended the meeting held on 10.01.2018 and his testimony did not support the allegations levelled upon Prof. Mittal. As argued by Mr. Singh, the evidences of prosecution's own witness materially contradicted the allegations forming the basis of the charge-sheet, yet the same was misinterpreted or ignored while recording the findings of guilt.

27. It was next submitted that the learned Single Judge failed to appreciate that no breach of institutional protocol had occurred in convening the meeting dated 10.01.2018. Learned Senior Counsel contended that the Head of the Department had been invited to the meeting and in his absence, the Acting Head nominated by him had participated in the deliberations. It was argued that the meeting was convened only to discuss perceived procedural lapses in departmental recommendations relating to faculty recruitment, a subject which legitimately fell within the domain of the Department Faculty Affairs Committee (DFAC), whose members are elected from amongst the faculty for a fixed tenure. As submitted, the discussion was intended to address procedural issues concerning departmental recommendations and not to target any individual faculty member.

28. It was further contended that the findings recorded by the Inquiry Authority are perverse and contrary to the material available on record. Learned Senior Counsel submitted that after conclusion of the inquiry proceedings, the Inquiry Authority surreptitiously procured and relied upon an institute file which had neither been supplied to Prof. Mittal nor formed part of the listed documents during the inquiry. As per Mr. Singh, reliance upon such material behind the back of Prof. Mittal, vitiated the inquiry proceedings and rendered the inquiry report legally unsustainable.

29. Assailing the legality of the disciplinary proceedings, learned Senior Counsel submitted that Prof. Mittal had been denied permission to engage a legal practitioner or his fellow Professor as his Defence Assistant despite the inquiry being conducted by a retired Judge of the High Court. It was argued that such denial resulted in serious prejudice and violated the principles of natural justice. Learned Senior Counsel submitted that the learned Single Judge erred in declining to examine this issue merely because an earlier writ petition had resulted in remand of the matter, contending that the constitutional jurisdiction of this Court under Article 226 of the Constitution extends to correcting manifest illegality whenever it comes to light. Learned counsel read the relevant lines of the order to demonstrate that the order to remand the matter was for considering the inquiry report afresh by Board in the light of objections of Prof. Mittal and therefore, the correctness of the inquiry report was to be examined afresh, and learned Single Judge has erred in reading that order in its right spirit.

30. Learned Senior Counsel also submitted that the Board failed to comply with the directions issued by this Court while deciding Writ-A No. 5103 of 2019 on 11.05.2022. It was argued that although the matter had been remanded for a fresh

consideration of the inquiry report together with the detailed representations submitted by Prof. Mittal on 03.10.2018, 06.10.2018 and 09.10.2018, the Board merely reiterated its earlier conclusions without dealing with the specific objections raised therein, thereby defeating the very purpose of the remand. Learned counsel submitted that it is an established principle of the law that the procedure cannot be just a formal ritual, it is to be applied in its actual sense to do justice.

31. It was next contended that the disciplinary proceedings had been conducted jointly against Prof. Mittal and other officers, including Dr. Rajiv Shekhar. Learned Senior Counsel submitted that in such common proceedings, the competent authority to pass an order under the applicable disciplinary rules was the Hon'ble Visitor alone, and not the Board. It was, therefore, argued that the punishment order suffers from lack of jurisdiction and is liable to be set aside on this ground alone.

32. Lastly, learned Senior Counsel submitted that even otherwise the findings regarding the gravity of the alleged misconduct are wholly unsustainable as neither the Board nor the Inquiry Authority identified the precise nature of the misconduct allegedly committed by Prof. Mittal or the evidentiary basis for treating the same as a grave misconduct. It was accordingly urged that the punishment imposed upon Prof. Mittal is arbitrary, unsupported by any reliable material and therefore liable to be quashed.

VI.

Submissions on behalf of IIT

33. *Per contra*, Mr. Rohan Gupta, learned Counsel appearing for IIT supported the impugned judgment insofar as it upholds the punishment of withholding two annual increments without cumulative effect and assailed the findings of the learned Single Judge to the extent they interfere with the

disciplinary proceedings and the penalty debarring Prof. Mittal from holding administrative responsibilities.

34. At the outset, learned Counsel raised preliminary objections regarding the maintainability of the writ petition itself. It was submitted that the complainant, Dr. Subrahmanyam Saderla, whose complaint had set the disciplinary machinery in motion, had not been impleaded as a party to the proceedings despite being a necessary party. It was further contended that Prof. Mittal had bypassed the statutory remedy of appeal available under Statute 13(10) of IIT Kanpur Statutes before the Hon'ble Visitor and had approached the writ court directly. It was also submitted that the writ petition suffered from unexplained delay, the impugned resolution was passed on 23.07.2022 whereas the writ petition came to be instituted after more than seven months.

35. On the merits of the controversy, Mr. Gupta submitted that Prof. Mittal cannot contend at the present stage, that the proved allegations do not amount to misconduct. As per learned counsel, such an issue was neither raised in the earlier round of litigation nor formed part of the challenge before the Board while submitting the representations against the inquiry report. It was, therefore, argued that the question sought to be raised travels beyond the scope of the remand order passed by this Court on 11.05.2022.

36. It was further submitted that the conduct attributed to Prof. Mittal squarely falls within Rule 3(b) of the applicable Conduct Rules, which obligates every employee to maintain courtesy in dealings with colleagues, students and members of the public. Mr. Gupta argued that convening a meeting of the faculty members, while excluding the newly appointed colleague whose appointment was sought to be questioned, with the object of discussing the procedural validity and merit of

such appointment, was capable of creating an impression that the concerned faculty member had been wrongly or undeservedly appointed. Such conduct, amounted to discourteous and unbecoming behaviour towards a fellow faculty member and was sufficient to constitute misconduct under the applicable Conduct Rules.

37. Responding the contention that the inquiry findings were unsupported by reliable material, learned Counsel submitted that the Inquiry Authority had relied upon the statements of as many as nine witnesses in addition to documentary material produced during the inquiry. It was argued that the Prof. Mittal consistently failed to place either the complete inquiry report or the evidentiary record before this Court to substantiate his plea. As per Mr. Gupta, once Prof. Mittal seeks judicial review of the inquiry proceedings on the ground of absence of evidence, the burden lies upon him to produce the relevant record, and such burden cannot be shifted upon IIT. It was further submitted that findings recorded in departmental proceedings are based upon the test of preponderance of probabilities which do not warrant interference merely because another view on the evidence may also be possible.

38. Learned Counsel further submitted that the disciplinary proceedings were conducted strictly in accordance with the applicable statutory framework. It was pointed out that an external Fact-Finding Committee had initially examined the complaint and found *prima facie* case, whereafter a regular departmental inquiry was conducted by the retired Judge of the High Court in which Prof. Mittal was afforded full opportunity to participate and defend himself. It was argued that pursuant to the earlier order of remand passed by this Court, the Board reconsidered the entire matter afresh, examined the inquiry report along with the detailed representations submitted by

Prof. Mittal and thereafter passed a reasoned order reducing the punishment from a major penalty to a minor penalty in accordance with the applicable Statutes.

39. Dealing with the question of denial of representation by the legal practitioner, Mr. Gupta submitted that the learned Single Judge erred in observing that the inquiry suffered from procedural unfairness. Reliance was placed upon Rule 14(8)(a) of the CCS Rules, to contend that appointment of a legal practitioner as a Defence Assistant is expressly prohibited unless the Presenting Officer is also a legal practitioner. Since the Presenting Officer in the present case was not a legal practitioner, it was submitted that the Inquiry Authority rightly rejected Prof. Mittal's request. Learned Counsel further contended that the Board had specifically considered this issue while passing the fresh resolution dated 23.07.2022 and had recorded reasons with reference to the applicable statutory provisions.

40. Further, it was also pleaded that the reliance placed by the learned Single Judge upon the decision in ***Ramesh Chandra Vs. Delhi of University and others (2015) 5 SCC 549***, was misplaced, as the said decision did not arise under the framework of the CCS (CCA) Rules, 1965. Even otherwise, it was submitted that the decisions in ***Board of Trustees of the Port of Bombay Vs. Dilipkumar Raghavendranath Nadkarni (1983) 1 SCC 124*** and ***J.K. Aggarwal Vs. Haryana Seeds Development Corporation Ltd. (1991) 2 SCC 283***, referred to in *Ramesh Chandra (supra)*, do not lay down any absolute proposition that legal representation must invariably be permitted whenever the Inquiry Officer is legally trained. As per him, the test is one of procedural fairness in the facts of each case, having regard to the nature of the charges, the complexity of the issues and the evidence involved, none of

which warranted engagement of a legal practitioner in the present proceedings.

41. Mr. Gupta also defended the authority of the Board to regulate the affairs of the Institute. It was submitted that the Board is the apex statutory body entrusted with maintaining discipline in the Institute through the Director, exercises residuary powers, functions as the appointing authority for academic staff and is empowered to frame and amend the applicable rules, regulations and Statutes. It was, therefore, contended that the Board acted well within its jurisdiction while reconsidering the matter after remand and imposing the punishment found appropriate in the facts of the case.

42. Insofar as the punishment ultimately imposed is concerned, learned Counsel submitted that withholding of two annual increments without cumulative effect is expressly recognised as a minor penalty under Statute 13(9)(b). It was argued that, under the statutory scheme, a full-fledged departmental inquiry is mandatory only in cases involving major penalties, whereas for imposition of a minor penalty even a show cause notice would suffice. Mr. Gupta submitted that in the present case not only was a detailed departmental inquiry conducted, but Prof. Mittal was also afforded repeated opportunities to submit his defence and representations before the Inquiry Authority. It was, therefore, submitted that the procedure adopted far exceeded the minimum statutory requirements and fully satisfied the principles of natural justice.

43. Lastly, learned Counsel submitted that despite the observations made by the Hon'ble Supreme Court while disposing of Criminal Appeal No. 460 of 2023 arising out of SLP (Crl.) No. 3663 of 2020 encouraging restoration of cordiality between the parties, Prof. Mittal had never expressed regret or remorse for his conduct. On the contrary, it was

argued that he continued to level allegations. He submitted that the overall conduct of Prof. Mittal fully justified the disciplinary action initiated by IIT. It was, therefore, prayed that the findings of the learned Single Judge regarding denial of legal representation and the invalidity of the embargo on holding administrative responsibilities be set aside, while the challenge laid by Prof. Mittal to the disciplinary proceedings and the punishment be rejected.

VII.

Points for Consideration

- 44.** Having heard learned counsel for the parties and upon consideration of the record, the following questions arise for determination in these special appeals:
- (i) Whether the writ proceeding was maintainable in view of the preliminary objections raised by IIT, including availability of an alternative remedy, delay in filing and non-joinder of the complainant?
 - (ii) Whether the disciplinary proceedings conducted against Prof. Mittal suffered from any procedural illegality or violation of principles of natural justice?
 - (iii) Whether the findings of misconduct recorded against Prof. Mittal are sustainable on the basis of the material available on record and within the scope of judicial review under Article 226 of the Constitution?
 - (iv) Whether the penalties imposed upon Prof. Mittal are legally sustainable in the facts and circumstances of the case?

VIII.

Discussions and Findings

45. We have considered the submissions advanced by learned counsel appearing for Prof. Mittal as well as IIT and have perused the materials available on record, including the inquiry proceedings, the findings recorded by the Inquiry Authority, the resolutions passed by the Board and the judgment under challenge. Since both Prof. Mittal and IIT have preferred separate appeals against different parts of the common judgment, the issues arising for consideration are being examined altogether in the following sub-headings, keeping in view the nature of the challenge and the rival contentions advanced by the parties.

(i) Preliminary Objections

46. Before proceeding to examine submissions on the merits of the disciplinary proceedings and the punishment imposed upon Prof. Mittal, it would be appropriate to consider the preliminary objections raised on behalf of IIT regarding the maintainability of the proceedings and the scope of adjudication in the writ petition.

47. Learned Counsel appearing for IIT submitted that the challenge raised by Prof. Mittal was not maintainable. It was contended that the writ petition filed by Prof. Mittal before the learned Single Judge suffered from non-joinder of a necessary party, inasmuch as Dr. Subrahmanyam Saderla, at whose instance the disciplinary proceedings were initiated, had not been impleaded as a party. It was further submitted that Prof. Mittal had an efficacious statutory remedy available under Statute 13(10) of the IIT Kanpur Statutes by way of an appeal to the Hon'ble Visitor, and therefore, the writ jurisdiction ought

not to have been invoked without availing such alternative remedy. It was also urged that the writ petition was filed after an unexplained delay of more than seven months from the passing of the resolution dated 23.07.2022 by the Board.

48. Learned Counsel further submitted that Prof. Mittal could not be permitted to reopen issues which had either not been raised in the earlier proceedings or were beyond the scope of the remand order dated 11.05.2022 passed by this Court in Writ-A No. 5103 of 2019. As per Mr. Gupta, the earlier writ petition was allowed for limited reasons and the direction was for reconsideration by the Board after considering the inquiry report and the representations submitted by Prof. Mittal. The inquiry proceedings and findings recorded by the Inquiry Authority were not set aside. It was, therefore, contended that Prof. Mittal could not seek to challenge the validity of the inquiry or the existence of misconduct in the subsequent proceedings.

49. In response, learned Senior Counsel appearing for Prof. Mittal submitted that the objections raised by IIT cannot be acceptable and that there is no bar on exercise of jurisdiction by this Court. It was contended that the issues raised in that petition, and non-consideration of submissions of Prof. Mittal, go to the root of the legality of the disciplinary action and involve non-compliance of principles of natural justice, and violation of rights of Prof. Mittal, which can always be examined in exercise of jurisdiction under Article 226 of the Constitution. It was further submitted that the remand order did not expressly uphold the inquiry proceedings and, therefore, Prof. Mittal was not precluded from challenging the same when the matter again came up for consideration.

50. Availability of the alternative remedy cannot be an absolute bar for exercise of jurisdiction by the High Court

under Article 226 of the constitution of India. Supreme Court has examined this issue and has provided the principle in in catena of judgements. In ***Radha Krishan Industries Vs. State of Himanchal Pradesh and others (2021) 6 SCC 771***, the Supreme Court has held that the existence of an alternative statutory remedy does not oust the High Court's jurisdiction under Article 226. It is only a rule of discretion and self-imposed restraint, not a limitation. In appropriate cases, particularly where there is a violation of fundamental rights or natural justice, the High Court may exercise its writ jurisdiction notwithstanding the availability of an alternative remedy.

51. Further, in ***Allahabad Bank Vs. Krishna Narayan Tewari, (2017) 2 SCC 308***, the Supreme Court has analysed the scope of the interference by the High Court in disciplinary order. The Supreme Court observed that

“7. We have given our anxious consideration to the submissions at the Bar. It is true that a writ court is very slow in interfering with the findings of facts recorded by a departmental authority on the basis of evidence available on record. But it is equally true that in a case where the disciplinary authority records a finding that is unsupported by any evidence whatsoever or a finding which no reasonable person could have arrived at, the writ court would be justified if not duty-bound to examine the matter and grant relief in appropriate cases. The writ court will certainly interfere with disciplinary enquiry or the resultant orders passed by the competent authority on that basis if the enquiry itself was vitiated on account of violation of principles of natural justice, as is alleged to be the position in the present case. Non-application of mind by the enquiry officer or the disciplinary authority, non-recording of reasons in support of the conclusion arrived at by them are also grounds on which the writ courts are justified in interfering with the orders of punishment. The High Court has, in the case at hand, found all these infirmities in the order passed by the disciplinary authority and the appellate authority. The respondent's case that the enquiry was conducted without giving a fair and reasonable opportunity for

leading evidence in defence has not been effectively rebutted by the appellant. More importantly the disciplinary authority does not appear to have properly appreciated the evidence nor recorded reasons in support of his conclusion. To add insult to injury the appellate authority instead of recording its own reasons and independently appreciating the material on record, simply reproduced the findings of the disciplinary authority. All told, the enquiry officer, the disciplinary authority and the appellate authority have faltered in the discharge of their duties resulting in miscarriage of justice. The High Court was in that view right in interfering with the orders passed by the disciplinary authority and the appellate authority.”

(Emphasis supplied)

52. The objection regarding availability of an alternative remedy under Statute 13(10) also does not constitute an absolute bar to the exercise of writ jurisdiction. It is settled that availability of an alternative remedy is a rule of discretion and not a complete prohibition where the proceedings are alleged to suffer from violation of statutory provisions, breach of principles of natural justice or lack of jurisdiction. In the present case, Prof. Mittal has raised issues concerning the procedure adopted in the inquiry, the competence of the authorities and the legality of the punishment imposed, which are matters falling within the scope of judicial review.

53. Having considered the rival submissions, we are of the view that the objections raised by IIT do not merit acceptance. The present proceedings arise out of the judgment passed by the learned Single Judge upon consideration of a fresh order passed by the Board pursuant to the remand order dated 11.05.2022. Prof. Mittal has challenged the legality of the disciplinary action and the punishment imposed upon him, which is against IIT, where the grievance was about non-compliance of the principles of Natural Justice and therefore the writ court was well within its jurisdiction to interfere. Regarding present

special appeals, even IIT has preferred an appeal challenging certain findings recorded by the learned Single Judge. In such circumstances, both parties having invoked the jurisdiction of this Court against different aspects of the same judgment, the controversy requires examination on merits in Special Appeal.

54. The objection regarding non-joinder of Dr. Subrahmanyam Saderla also cannot be accepted. The proceedings in question are against the disciplinary action taken by IIT and the consequential orders passed by the statutory authorities. The issue before the Court is the legality of the disciplinary proceedings and the punishment imposed upon Prof. Mittal, and not adjudication of any issue against the complainant. The complainant was the initiator of the disciplinary proceedings, and a witness in the domestic enquiry, but the order under challenge has been passed by the competent authorities of the Institute. Therefore, his absence as a party does not render the proceedings non-maintainable. Learned Single Judge recorded the submission of parties in this regard however did not give a clear finding on this issue although this cannot be of much relevance in the light of the fact that there was no prayer against the complainant in the writ petition.

55. The objection regarding delay also does not persuade us to decline examination of the matter. The resolution dated 23.07.2022 was followed by the consequential office order dated 01.08.2022, and the Prof. Mittal approached this Court challenging the said action. Having regard to the nature of the dispute, the pendency of related proceedings and the fact that the challenge concerns disciplinary action affecting the service rights of Prof. Mittal, the delay cannot be said to be such as that court should come on a way of invocation of discretionary power under writ jurisdiction.

56. As far as the objection regarding constructive *res judicata* is concerned, the same cannot be acceptable as Prof. Mittal has been consistent regarding his stand that he has not done anything, which could be proved against him and therefore the punishment imposed upon him was wrong. He has been maintaining that what he has done was neither any action of humiliation nor anything was before the inquiry officer to conclude that any charge is proved. Looking at objections filed by Prof. Mittal regarding inquiry and later petitions filed by him, it cannot be said that he has not challenged anything which got subsequently challenged by him.

57. As regards the contention that Prof. Mittal seeks to travel beyond the scope of the earlier remand order, the same would be considered while examining the validity of the disciplinary proceedings and the findings recorded therein. At this stage, it is sufficient to observe that the earlier order dated 11.05.2022 remanded the matter for fresh consideration by the Board after taking into account the inquiry report and the representations submitted by Prof. Mittal. Such remand does not, by itself, foreclose examination of the legality of the consequential order passed thereafter, particularly when the fresh order dated 23.07.2022 has been challenged in the present proceedings, which was passed after the direction of this Court in Writ A No. 5103 of 2019.

58. Learned Single Judge has also erred in interpreting the order dated 11.05.2022 in Writ A No. 5103 of 2019. For easy reference relevant paragraph is reproduced below:

*“The impugned order dated 8.3.2019 is hereby quashed, leaving it open for the Board of Governors, respondent no.3, to proceed with the inquiry against the petitioner **afresh from the stage of consideration of the inquiry report and the representations of the petitioner made against the same before the Board of***

Governors and thereafter passed reasoned order in accordance with Rule 15 (4) of the Central Civil Services (Classification, Control & Appeal) Rules, 1965, within a period of three months from today.”

59. It clearly appears from the reading of the operative paragraph of the order that this Court has remanded the matter back at the stage where the inquiry report was to be examined afresh, and therefore every aspect of the inquiry report, which was contested by Prof. Mittal, was open to the examination by the Board and his objection includes issue of legal representation, non-compliance of principles of natural justice and findings, which were contested. Every point which was objected by Prof. Mittal to question the inquiry report, was to be considered by the authorities as per above-mentioned order. What was actually not allowed by above-mentioned order, while not quashing the inquiry report, is that the fresh inquiry against Prof. Mittal cannot be initiated and therefore, for the aforesaid reasons, we reject the preliminary objections raised on behalf of IIT. We shall now proceed to examine the validity of the disciplinary proceedings and the procedure adopted by the authorities.

(ii) Validity of Departmental Proceedings

60. Having rejected the preliminary objections raised on behalf of IIT, we now proceed to examine the challenge relating to the legality of the decision-making process adopted by the Board. Prof. Mittal has assailed the proceedings primarily on the ground that the inquiry stood vitiated due to denial of opportunity to have his effective defence, particularly refusal to permit representation through a legal practitioner, and that the fresh order passed by the Board pursuant to the remand order while only recording his objections, did not cure that defect. IIT on the other hand, has contended that proceedings were conducted strictly in accordance with the applicable statutory

framework and that the Board, being the competent authority, duly reconsidered the matter after remand.

61. At the outset, it would be relevant to notice that the earlier proceedings initiated by IIT culminated in the penalty order dated 08.03.2019. The said order was challenged by Prof. Mittal in Writ-A No. 5103 of 2019, which was allowed by this Court on 11.05.2022. By the said judgment, the penalty order was set aside and the matter was remitted to the Board for a fresh consideration from the stage of consideration of the inquiry report and the representations submitted by Prof. Mittal. The inquiry report itself was not quashed but the consideration to be afresh was upto the extent that the legality of the inquiry report was completely open to examination.

62. Pursuant to the aforesaid remand order, the Board reconsidered the matter and passed a fresh resolution dated 23.07.2022. The record indicates that the Board considered the inquiry report as well as the representations dated 03.10.2018, 06.10.2018 and 09.10.2018 before arriving at its decision. The submission of Prof. Mittal that the Board merely reiterated its earlier conclusion without considering his objections would, therefore, required to be examined in the context of the reasons recorded in the fresh resolution. At this stage, it is necessary to observe that the remand order required reconsideration of the inquiry report in the light of objections raised by Prof. Mittal and did not direct a *de novo* inquiry, however, it did not prohibit the Board to take any decision or action on the inquiry report, for which the Board is empowered in law.

63. Learned Senior Counsel appearing for Prof. Mittal has also questioned the competency of the authority passing the order, contending that since common proceedings were initiated against more than one faculty member, including Dr. Rajiv Shekhar, the power to impose punishment vested only with the

Hon'ble Visitor under the applicable rules. Learned Counsel for IIT, however, submitted that the Board of Governors is the apex statutory body of the Institute, entrusted with maintaining discipline, exercising residuary powers and functioning as the appointing authority in respect of academic staff. It was further submitted that the Board is empowered to take disciplinary action in accordance with the IIT Kanpur Statute.

64. Having considered the rival submissions, we find that the objection raised by Prof. Mittal regarding competence of the Board cannot be examined in isolation from the statutory scheme governing the Institute. The Board is a statutory authority constituted under Section 13 of Indian Institute of Technology Act 1961 (hereinafter referred to as the “IIT Act”), and is entrusted with overall supervision and administration of the Institute, including matters relating to discipline. The mere fact that proceedings were conducted jointly against more than one employee does not, by itself, establish lack of competence unless the applicable statutory provisions specifically exclude the jurisdiction of the Board. The issue regarding the nature and extent of the penalty imposed by the Board shall, however, be examined separately while considering the legality of the punishment.

65. The principal challenge raised by Prof. Mittal relates to denial of permission to get represented by legal practitioner or one of his fellow Professor as his Defence Assistant. It is not in dispute that during the inquiry proceedings, Prof. Mittal requested to get represented as mentioned above but the request was declined by the Inquiry Authority on 23.06.2018. It was contended that such denial caused serious prejudice, particularly since the Inquiry Authority was a retired Judge of the High Court and Prof. Mittal could have got effectively represented only by a legal practitioner or by this trustworthy

fellow colleague. It was further contended that the refusal of defence assistance resulted in denial of effective opportunity and violated the principles of natural justice.

66. Learned counsel representing IIT, on the other hand, submitted that the request for legal representation was rightly rejected in view of Rule 14(8)(a) of the CCS (CCA) Rules, 1965, which provides that a Government servant may not engage a legal practitioner unless the Presenting Officer appointed in the Inquiry is also a legal practitioner. It is further submitted that the Board while passing the fresh resolution dated 23.07.2022, considered this aspect and recorded reasons for not accepting Prof. Mittal's objection.

67. The principles governing representation through a legal practitioner in departmental proceedings are well settled. The right to legal assistance is not an automatic right in every disciplinary proceeding but it is required to be examined that whether denial of such assistance has resulted in procedural unfairness having regard to the nature of the charges, complexity of the issues involved, the manner in which the proceedings are conducted and the comparative position of the parties.

68. In the present case, the disciplinary proceedings were governed by the CCS Rules, where the Inquiry Officer was a retired High Court Judge and therefore **Ramesh Chandra (Supra)** is relevant as it has examined that whether an application of a delinquent employee seeking permission to be represented through a legally trained and qualified lawyer should be allowed or not, where the inquiry officer is a retired Judge of the High Court who is a person of vast legal acumen and experience and the presenting officer also would be a person who had sufficient experience in presenting the case

before the inquiry officer. After detail consideration, the Supreme Court held that:

“70. In view of the law laid down by this Court, we are of the view that if any person who is or was a legal practitioner, including a retired Hon'ble Judge is appointed as an enquiry officer in an inquiry initiated against an employee, the denial of assistance of a legal practitioner to the charged employee would be unfair.

71. For the reasons aforesaid, we hold that all the departmental enquiries conducted against the appellant were in violation of rules of natural justice. This apart, as the third inquiry report is based on extraneous facts and first part of the charge held to be proved in memorandum dated 26-3-2010 not being the part of the charges shown in the (third) charge-sheet, the order of punishment, including Resolution by memorandum dated 26-3-2010 cannot be upheld.”

69. On the material available before us, we find that Prof. Mittal has consistently requested to get represented by the legal practitioner or by his fellow Professor to get effective representation and to participate in the inquiry proceedings to defend himself but his request was denied. The reliance was rightly placed upon **Ramesh Chandra (Supra)** by the learned Single Judge as the case in hand was similar and it was also in the context of examining whether refusal of legal representation, resulted in unfairness or not.

70. Prof. Mittal has also alleged that the Inquiry Authority relied upon certain material obtained after conclusion of the proceedings without providing an opportunity of rebuttal. This submission, being directly connected with the evidentiary basis of the findings recorded by the Inquiry Authority, shall be considered while examining the sustainability of the findings of misconduct. At this stage, we are only concerned with the

legality of the decision making process, and we are of the considered view that the proceedings stand vitiated on account of procedural illegality as well as lack of reliable material to prove misconduct.

(iii) Sustainability of Findings on Misconduct

71. Having examined the validity of the disciplinary proceedings adopted by the Board, the next issue which arises for consideration is whether the findings recorded against Prof. Mittal regarding the alleged misconduct are sustainable on the basis of the material available on record.

72. It is well settled that while exercising jurisdiction under Article 226 of the Constitution, this Court does not act as an appellate authority over the findings recorded in departmental proceedings and ordinarily does not undertake re-appreciation of evidence. However, where the findings are shown to be based on irrelevant considerations, or where the material relied upon does not establish the essential ingredients of the misconduct alleged, interference would be justified. The Court is, therefore, required to examine not only the adequacy of the material and the basis of the conclusion reached by the Inquiry Officer but also to examine that whether the Board had reasonable foundation in the material available on record to agree with the findings of the Inquiry Report.

73. In the present case, the allegations against Prof. Mittal primarily arise from two incidents. The first relates to the alleged remarks made during the departmental get-together held on 04.01.2018 after the joining of Dr. Subrahmanyam Saderla. The second relates to the faculty meeting convened by Prof. Mittal on 10.01.2018 to discuss alleged procedural lapses in the recruitment process, wherein Dr. Saderla and Dr. Raghvendra P. Kukillaya were not included in the invitation.

74. So far as the alleged remarks made during the departmental gathering are concerned, Prof. Mittal has consistently disputed the allegation. It has been pointed out that the complainant was not personally present at the time of the alleged conversation and, therefore, the allegation was neither based on his direct knowledge nor any reliable material. The senior counsel representing Prof. Mittal further relied upon the communication of Dr. Satdal Ghosh, who was allegedly engaged in conversation at the relevant time, wherein it was clarified that the discussion did not relate to any individual and there was no element of harassment.

75. The aforesaid aspect assumes significance because the foundation of the allegation regarding the said incident rests upon the inference sought to be drawn from a conversation which was neither directly witnessed by the complainant nor there was any witness or document to bring something which could prove such allegation and which was subsequently explained by the person participating in the conversation having no such element as alleged. In such circumstances, the material available on record does not establish with reasonable basis that Prof. Mittal made any disparaging remark intended to humiliate or harass the newly appointed faculty member.

76. The second allegation relates to the meeting convened by Prof. Mittal on 10.01.2018. IIT has contended that convening a meeting of faculty members, excluding the newly appointed colleague, for discussing the validity of his appointment amounted to discourteous conduct and undermined his professional standing. Prof. Mittal, however, has explained that the meeting was convened to discuss concerns regarding faculty recruitment and there was nothing, which could indicate towards misconduct and the service rule applicable on him.

77. The record further indicates that the Head of the Department was invited for the meeting and an Acting Head

participated therein. The prosecution witness, PW-8 Dr. Abhijeet Kushari, who was also the Acting Head at the relevant time, did not support the allegation that any unauthorised meeting or breach of departmental protocol had taken place. His participation in the meeting and his testimony are relevant circumstances which could not have been ignored while assessing whether the act complained of amounted to misconduct.

78. In our considered view, the mere fact that a faculty member convened a meeting to discuss concerns relating to the recruitment process cannot, by itself, constitute misconduct. Academic institutions necessarily involve participation of faculty members in discussing institutional matters, including recruitment and departmental functioning and the same cannot constitute misconduct. Expression of concern regarding an institutional process cannot be treated as misconduct unless accompanied by material establishing an intention to harass, humiliate or undermine another member of the institution.

79. The Inquiry Officer and the Board proceeded on the assumption that exclusion of the newly appointed faculty member from the meeting itself created an impression that his appointment was improper or undeserved. However, such an inference, in the absence of supporting material demonstrating the intention behind the meeting or the manner in which the discussion was conducted, cannot substitute proof of misconduct.

80. The requirement under the Conduct Rules that an employee should maintain courtesy and proper conduct in dealings with colleagues undoubtedly imposes an obligation of professional behaviour. However, the said requirement cannot be interpreted in a manner that converts every disagreement, fair criticism or discussion concerning institutional affairs into misconduct. The distinction between legitimate academic

discussion and conduct warranting disciplinary action has to be maintained.

81. IIT has relied upon the statements of witnesses and documentary material considered by Inquiry Authority and has submitted that the findings are based on preponderance of probabilities. There can be no dispute with the proposition that departmental proceedings are governed by the standard of preponderance of probabilities. However, even under the said standard, the basic facts constituting misconduct must be established on the basis of material available on record.

82. In *Jai Prakash Saini Vs. Managing Director, U.P. Cooperative Federation Ltd. and Others*, 2026 SCC OnLine SC 505, the Supreme Court while examining the issue of the burden of proof in disciplinary proceedings, observed that:

“14. We do not find substance in the submissions made on behalf of the respondents because there is no categorical admission of the charge by the appellant. Further, a departmental charge-sheet is not a plaint that an evasive reply thereto may amount to an admission. In a departmental enquiry, unless the charge is admitted, the burden to prove the charge lies on the employer/ department. Here, there was no admission of guilt qua the charge. Even the High Court, in paragraph 20 of its judgment, had indicated that the writ petitioner (i.e., the appellant herein) had denied the charges made against him...”

(Emphasis supplied)

83. On consideration of the entire material, we find that the evidence may establish that there existed differences of opinion between certain faculty members of the department regarding the recruitment process and subsequent events. However, the material does not establish that Prof. Mittal engaged in conduct amounting to harassment, humiliation or discourtesy so as to constitute misconduct under the applicable Conduct Rules.

84. The findings recorded by the Inquiry Authority and partly affirmed by the Board, therefore, proceed substantially

on inference regarding the effect and intention of the Prof. Mittal's actions rather than on established facts demonstrating any of his action having covered under misconduct. In the absence of any reliable material establishing the essential ingredients of the charges, the findings cannot be sustained merely on the basis of the perception that the conduct was inappropriate.

85. Consequently, while the Board may not decide that whether the inquiry proceedings was legally sustainable or not, as the inquiry report was not quashed in the last writ petition, but the report is to be considered afresh to decide that whether it should be accepted or not. The decision of the Board to accept that inquiry report is to be reviewed by the Court in these proceedings as the order to remand has directed that the consideration is to be done afresh by the Board, and upto that extent the examination of the inquiry Report is legally permissible because if the inquiry report has not complied with the principle of natural justice then such report was ought to be fully rejected by the Board. If the Board accepts an inquiry Report where the proceedings were in non-compliance of the principles of natural justice or based upon no reliable material to establish the misconduct, then the acceptance of such report would demonstrate non-application of mind by the Board.

86. Accordingly, findings recorded in the order passed by the Board and the subsequent order passed by IIT suffer from the infirmity as the same is based upon the inquiry report, which is not being supported by any material establishing misconduct. The findings of guilt recorded against Prof. Mittal, therefore, warrant interference.

(iv) Legal justification of Penalties

87. Having held that the findings of misconduct recorded against Prof. Mittal cannot be sustained, the consequential

question regarding legality of the penalties imposed by the Board is being analysed.

88. The Board, pursuant to its resolution dated 23.07.2022, imposed the punishment of withholding two annual increments without cumulative effect for a period of two years and further restricted Prof. Mittal from holding administrative responsibilities for a period of three years.
89. Once our finding is that, there was no foundation for the disciplinary action, the consequential punishment imposed upon Prof. Mittal cannot survive. A penalty imposed in disciplinary proceedings must have its basis in a legally sustainable finding of misconduct and the Board must have examined the inquiry report to assess that whether the action of Prof. Mittal was of the nature which could be construed and got proved as misconduct or not. The remand back of the matter to the Board to consider the inquiry report afresh in the light of objections of Prof. Mittal was not a formality but it was expected that a serious exercise will be undertaken and thereafter the decision on inquiry report would be taken by the Board.
90. Accordingly, the punishment of withholding two increments without cumulative effect, though otherwise recognised as a permissible minor penalty under the Statutes, cannot be sustained in the present case as the very finding on which it rests has been found unsustainable, the Board has not properly done the exercise of examining the inquiry report upto the extent that whether the finding was based upon any reliable material and whether there was compliance of principles of natural justice. The impugned order has also erred on this point and therefore the interference in this issue is warranted.
91. The restriction imposed upon Prof. Mittal from holding administrative responsibilities for three years also cannot survive for the reason correctly given by learned Single Judge that such a restriction must have statutory sanction. As noticed

above, the same is not one of the penalties enumerated under Statute 13(9)(b) of the IIT Kanpur Statutes and could not have been imposed as a disciplinary consequence. This issue was rightly concluded by Learned Single Judge.

92. Therefore, both the penalties imposed upon Prof. Mittal pursuant to the resolution dated 23.07.2022 and office order dated 01.08.2022 are liable to be quashed and learned Singh Judge has rightly exercised his discretion in quashing penalty imposing bar on Prof. Mittal from holding any administrative responsibility for three years, however learned Single has erred in upholding the penalty withholding two annual increments without cumulative effect because the misconduct was not proved and the Board has erred in its order.

IX.

Conclusion

93. In view of the discussion made hereinabove, the preliminary objections raised by IIT with regard to maintainability of the proceedings, availability of alternative remedy, delay in approaching the Court, constructive *res-judicata*, and non-joinder of the complainant, are concluded in favour of Prof. Mittal. There is no impediment in examination of the legality of the complete disciplinary proceedings and the impugned order in exercise of jurisdiction under Article 226 of the Constitution.
94. We are conscious of the limited scope of the Court's jurisdiction in the intra-Court appeal. On this aspect, the principles have been elucidated by the Supreme Court in ***Roma Sonkar v. Madhya Pradesh State Public Service Commission, (2018) 17 SCC 106***, which was followed by this Court in ***Prem Sagar Vs. State of Uttar Pradesh and Others, 2026 SCC OnLine All 1690***, wherein this Court observed as follows:

“5. The present special appeal is an intra-court appeal from a Single Bench of this Court to a Division Bench of this Court and the purpose of providing special appeal against an order of learned Single Judge is to provide another tier of screening by the Division Bench and the same would not mean that the learned Single Judge is subordinate to the Division Bench although the learned Single Judge under law of precedent and principle of finality attached to the orders of Appellate Court, is bound by the order passed by the Appellate Court. While considering the powers of a Division Bench while deciding intra-court appeal, the Hon'ble Apex Court in Roma Sonkar v. Madhya Pradesh State Public Service Commission has held that in the matter of intracourt appeal arising out of writ proceedings, the Division Bench needs to consider the appeal on merits by deciding the correctness of the judgment of the learned Single Judge instead of remitting the matter to the learned Single Judge.”

95. In the light of the above, we proceed to examine the impugned order, keeping in mind the scope of interference in an intra-Court appeal. While the learned Single Judge rightly exercised discretion in setting aside the three-year bar on Prof. Mittal from holding administrative responsibilities, the Court committed error in the impugned order by upholding the penalty of withholding two increments without cumulative effect. Learned Single Judge erred in not appreciating the fact that the finding of misconduct was not established against Prof. Mittal as there is absolutely no material to establish anything which could constitute misconduct. Once those findings could not be sustained, the entire disciplinary action, including the consequential penalty is unsustainable.

96. The disciplinary proceedings conducted against Prof. Mittal cannot be held to have proved the misconduct as he was not effectively represented although irrespective of this point, the record also reveals that there was no reliable material to

prove that the allegation could fall under misconduct as none of the statement of Prof. Mittal was of the nature as alleged. There was absolutely no material on record in terms of statement or document.

97. Upon examination of the evidence and circumstances relied upon by Inquiry Officer, we find that the alleged remarks attributed to Prof. Mittal during the departmental gathering dated 04.01.2018 were not established through any reliable material or evidence. The complainant was not an eyewitness to the alleged conversation and the person allegedly involved in such conversation did not support the allegation of any discussion concerning an individual or any element of harassment.

98. Similarly, the meeting convened by Prof. Mittal on 10.01.2018, in the backdrop of departmental recruitment procedures and with the participation of the Acting Head of the Department, cannot by itself be presumed and treated as misconduct in the absence of material establishing that the meeting was convened with an intention to humiliate, harass or undermine the professional standing of the newly appointed faculty member.

99. We are of the considered view that the validity of the procedure adopted in conducting an inquiry and the sustainability of the findings recorded therein are two distinct aspects. If the matter got remanded back to the Board for afresh consideration, the finding was definitely open for examination, and therefore the finding based upon no reliable material to prove misconduct ought to be rejected even if the Board opted not to examine the procedure leading to the inquiry report under impression that remanding the matter is for limited purposes. The findings recorded by the Inquiry Authority must still be tested on the basis of the material available on record even if

the procedure leading to the inquiry report is presumed to be correct in absence of no legal representation as demanded by Prof. Mittal.

100. The requirement of maintaining courtesy and discipline under the applicable Conduct Rules undoubtedly governs the conduct of an employee in any institution. However, the said provisions cannot be interpreted to prohibit academic discussion, expression of disagreement or raising concerns regarding institutional processes. Disciplinary action requires establishment of conduct which crosses the threshold of mere difference of opinion or administrative disagreement and constitutes misconduct.

101. In the present case, the findings recorded by the Inquiry Authority and affirmed by the Board proceeds substantially on imaginary inference regarding the effect and perceived impact of the Prof. Mittal's actions, rather than based upon any material establishing the essential ingredients of the charges. The findings, therefore, cannot be sustained in law.

102. In the present case, the findings recorded by the Inquiry Authority and affirmed by the Board proceeds substantially on imaginary inference regarding the effect and perceived impact of the Prof. Mittal's actions, rather than based upon any material establishing the essential ingredients of the charges. The findings, therefore, cannot be sustained in law.

103. Consequently, the punishment imposed upon Prof. Mittal also cannot survive. The learned Single Judge, while considering the challenge to the order dated 23.07.2022 passed by the Board and the consequential office order dated 01.08.2022, rightly held that the restriction debarring Prof. Mittal from holding administrative responsibilities for three years was beyond the penalties prescribed under Statute 13(9)

(b) of the IIT Kanpur Statutes and, to that extent, correctly interfered with the order of punishment.

104. However, in view of the findings recorded hereinabove regarding non-establishment of misconduct itself, the punishment of withholding two increments without cumulative effect, which was upheld by the learned Single Judge, cannot be sustained. To that limited extent, the judgment of the learned Single Judge requires modification.

105. Thus, while the learned Single Judge was correct in holding that the restriction relating to administrative responsibilities could not have been imposed, the disciplinary action as a whole cannot be sustained once the findings of misconduct are found to be unsupported by any reliable material available on record.

106. Generally, where the authority has committed error in the proceedings, the Court would remit the matter for fresh consideration in accordance with law. However, the present case stands on a different footing as the matter had already been remanded once, yet Prof. Mittal was compelled to approach this Court again because the disciplinary committee has repeated similar error. The defects in the impugned decision are apparent on the face of the record, and no useful purpose would be served by directing another round of consideration.

107. In the facts and circumstances of this case, we are guided by the principles laid down by the Supreme Court in ***Mahendra Prasad Agarwal Vs. Arvind Kumar Singh and others, (2026) SCC OnLine SC 302***. Supreme Court has observed that:

“14. There is no doubt about the fact that the “consider jurisprudence”, so routinely adopted these days and if we may use the expression - to throw the ball out of the Court, is counterproductive and harms the system.

15. When a claim of a right is legal and justified, relief must follow. The Constitutional or statutory remedies are not intended for academic discourse. If a case deserves relief, it must be granted then and there, unflinchingly if need be. Balancing of equities is not to be confused with avoiding or postponing the relief. These are not matters of law, but of its working and practice. Unlike law and its procedures, good practices that evolve over a period of time are far more precious than written laws, as it is in this practice that we see acceptance and internalization of the spirit of law. It is necessary to recognize, nurture and develop good practices which become habits. These habits come from the shared belief, values and attitudes that breathe vitality into rule of law. Legal culture integrates collective beliefs, fostering habits. It is necessary and in fact compelling to keep our remedies simple, effective and efficient.”

108. In ***Mahendra Prasad Agarwal (Supra)*** the Supreme Court held that if the High Court is satisfied with the merits of the matter, it shall issue clear and categorical directions for compliance. If not, it may dismiss the Writ Petition with clear and simple reasons. Applying above principle in the facts of the present case, where the relevant material is already on record, which brings only one lawful conclusion, this Court considers it appropriate to finally adjudicate the matter.

X.

Order

109. In view of the conclusion recorded hereinabove, Special Appeal No. 693 of 2025 preferred by Prof. Mittal is allowed and Special Appeal No. 879 of 2025 preferred by IIT is dismissed and the judgment and order dated 09.05.2025 passed by the learned Single Judge in Writ-A No. 5151 of 2023 is modified to the extent that the findings recorded in the disciplinary proceedings against Prof. Mittal are set aside. Consequently, the resolution dated 23.07.2022 passed by the Board of Governors, IIT Kanpur, and the consequential office order dated 01.08.2022 issued by the Director, imposing punishment upon Prof. Mittal, is quashed. Prof. Mittal shall be

entitled to all consequential service benefits, in accordance with law.

110. There shall be no order as to costs.

(Swarupama Chaturvedi,J.)

I agree.

(Saumitra Dayal Singh,J.)

August 05, 2026
Shiv