



CGHC010250482026



2026:CGHC:38970-DB

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Date: 2026.09.03
15:59:03 +0530**HIGH COURT OF CHHATTISGARH AT BILASPUR****WA No. 667 of 2026**

Dr. Pradeep Kumar Shukla S/o Shri Shri Nath Shukla Aged About 51 Years Associate Professor (Terminated), Department Of Bio-Technology, Guru Ghasidas University, P.S. And P.O. Koni, Civil And Revenue District Bilaspur, Permanent Address Village Para Brahmanan, P.O. Kuchera, District Faizabad (Now Ayodhya), U P 224158 Uttar Pradesh

... Appellant(s)**versus**

- 1** - Guru Ghasidas University Through Its Registrar, P.S. And P.O. Koni, Civil And Revenue District Bilaspur Chhattisgarh 495009
- 2** - The Vice Chancellor And Chairman Of The Executive Council Of Guru Ghasi Das University, P.S. And P.O. Koni, Civil And Revenue Distt Bilaspur Chhattisgarh
- 3** - Dr. M S K Khokhar Ex Registrar (Acting) Presently Working As The Pro Vice Chancellor And Executive Council Member Of The University, Guru Ghasidas University, P.O. And P.S. Koni, Civil And Revenue Distt Bilaspur Chhattisgarh
- 4** - Shri K L Tiwari Working As A Professor (On Extension), Department Of Bio Technology, Guru Ghasidas University, P.O. And P.S. Koni, Civil And Revenue Distt Bilaspur Chhattisgarh
- 5** - Shri B N Tiwari Head Department Of Bio Technology, Guru Ghasidas University, P.O. And P.S. Koni, Civil And Revenue Distt Bilaspur Chhattisgarh

6 - Dr. Seema Rai Working As An Associate Professor In Department Of Zoology, Guru Ghasidas Central University And A Member Of The Executive Council Of Guru Ghasidas Central University, P.O. And P.S. Koni, Civil And Revenue Distt Bilaspur Chhattisgarh

7 - Dr. Shailendra Kumar (Deleted) Nil

8 - The Ministry Of Human Resources Development Government Of India, Through Its Secretary, Shastri Bhawan, New Delhi District New Delhi, Delhi

9 - The Visitor Guru Ghasidas Central University Secretariat Of The Visitor, President House Secretariat, Raseena Hills, New Delhi, 110001, District New Delhi, Delhi

10 - State Of Chhattisgarh Through S H O, Koni Thana, P.O. Koni, Civil And Revenue Distt Bilaspur Chhattisgarh

... Respondent(s)

For Appellant(s) : Mr. Avinash K. Mishra, Advocate

For Respondent(s) : Mr. S.S. Baghel, G.A., Ms. Annapurna Tiwari, CGC, Mr. Ashish Shrivastava, Sr. Adv. Along with Mr. Rahul Ambast, Advocate, Mr. Shotabdi Bagchi, Advocate and Ms. Ananya Pandey, Advocate

Hon'ble Shri Ramesh Sinha, Chief Justice

Hon'ble Shri Ravindra Kumar Agrawal, Judge

Judgment on Board

Per Ramesh Sinha, Chief Justice

03.09.2026

1. Heard Mr. Avinash K. Mishra, learned counsel for the appellant.

Also heard Mr. S.S. Baghel, learned Government Advocate for respondent/State, Ms. Annapurna Tiwari, learned Central Government Counsel for respondent / UOI, Mr. Ashish

Shrivastava, learned Senior Advocate along with Mr. Rahul Ambast, Mr. Shotabdi Bagchi and Ms. Ananya Pandey, learned counsel for respondents No.1 & 2.

2. The present intra Court appeal has been filed against the order dated 11.05.2026 passed by the learned Single Judge in W.P.(S) No. 9810/2025, whereby the writ petition filed by the writ petitioner / appellant herein was dismissed by the learned Single Judge.
3. Brief facts of the case, as projected by the appellant, are that the appellant, Dr. Pradeep Kumar Shukla, having pursued advanced research in Bio-Technology at institutions in the United States of America, was appointed as an Associate Professor in the Department of Bio-Technology of Guru Ghasidas University, Bilaspur, vide appointment order dated 15.02.2012 and joined his duties on 05.03.2012 on probation for a period of two years, subject to evaluation of his suitability for confirmation in accordance with the applicable Statutes and Ordinances of the University. During the initial period of his service, the appellant claims to have discharged his duties satisfactorily and was entrusted with various academic and administrative responsibilities, including that of Research Supervisor, Deputy Dean of Student Welfare and member of the NAAC Steering Committee, besides securing sanction of a research project worth Rs.50,00,000/- from the Ministry of Science and Technology and obtaining an 'A' Grade in student feedback for the academic year 2012-13. According to the appellant, a dispute subsequently arose

between him and the then Vice-Chancellor, Dr. Shri Lakshman Chaturvedi, and following an alleged incident dated 22.04.2013, the appellant lodged a complaint at Police Station Koni, Bilaspur. It is alleged that immediately thereafter, the appellant was threatened with consequences and, between 25.04.2013 and 29.05.2013, as many as six show-cause notices containing allegations relating to misconduct and indiscipline were issued to him, to which he submitted detailed replies. During the said period, his probation was extended by one year vide order dated 27.05.2013; however, notwithstanding such extension, his services were terminated vide order dated 26.08.2013 on the ground that his performance during the probationary period was found to be unsatisfactory. The appellant contends that the termination was, in substance, punitive and founded upon allegations of misconduct, though no charge-sheet was issued, no departmental enquiry was conducted and no opportunity of hearing was afforded to him. During the pendency of the writ proceedings, certain reliefs became infructuous by efflux of time and, after deletion thereof, the matter was registered as W.P.S. No.9810 of 2025, which came to be dismissed by the learned Single Judge vide judgment dated 11.05.2026, holding that the termination order was simpliciter and non-stigmatic and that, since the order was based on unsatisfactory performance during probation, no departmental enquiry was required. Aggrieved by the said judgment and order dated 11.05.2026, the appellant has

preferred the present writ appeal.

4. Learned counsel for the appellant submits that the learned Single Judge has committed a serious error in dismissing the writ petition without appreciating the true nature and substance of the impugned termination order and the antecedent circumstances leading to its issuance. It is contended that the termination, though couched in innocuous language as one based upon “unsatisfactory performance during probation”, was in fact punitive and founded upon specific allegations of misconduct, insubordination and indiscipline, as is evident from the series of show-cause notices issued to the appellant and the subsequent consideration of the matter by the Executive Council. Learned counsel would submit that the controversy is squarely covered by the binding decision of the Division Bench of this Court in *Dishan Singh Dahariya v. State of Chhattisgarh and another*, W.A. No.676 of 2022, decided on 02.08.2024, wherein, according to the appellant, a similarly situated probationer, who had been subjected to specific allegations and show-cause notices before being removed by an apparently innocuous order, was held entitled to the protection of a regular inquiry, and the learned Single Judge ought to have followed or at least distinguished the said binding precedent. It is further argued that the learned Single Judge confined the examination merely to the form and language of the termination order and failed to undertake the equally necessary examination of its substance, contrary to the principles

laid down by the Supreme Court in Pavanendra Narayan Verma v. Sanjay Gandhi P.G.I. of Medical Sciences, (2002) 1 SCC 520, State of Punjab and others v. Constable Avtar Singh, (2008) 7 SCC 405 and Chandra Prakash Shahi v. State of U.P., (2000) 5 SCC 152, which permit the Court to lift the veil and ascertain whether allegations of misconduct constituted merely the motive or the real foundation of the termination. Learned counsel submits that, in the present case, the University had issued several show-cause notices containing definite imputations of misconduct and indiscipline, obtained and considered the appellant's explanations and thereafter placed the matter before the Executive Council, which ultimately resolved to terminate his services, thereby demonstrating that the alleged misconduct constituted the foundation of the impugned action and not merely its motive. It is also contended that other similarly situated persons were allegedly subjected to minor penalties, whereas the appellant alone was visited with termination, without following the disciplinary procedure prescribed under the relevant Statutes governing the Central University and its academic staff.

5. Learned counsel further submits that the reliance placed by the learned Single Judge upon Rajasthan High Court v. Ved Priya, (2021) 13 SCC 151 was misplaced, as that case involved an overall assessment of service performance, whereas no material demonstrating any genuine or holistic assessment of the appellant's teaching, research or academic performance was

produced in the present case. On the contrary, according to learned counsel, the appellant's academic record, student feedback, research grant and the University's own IQAC evaluation reflected satisfactory and commendable performance. It is further urged that the appellant's probation had formally been extended by one year, yet his services were terminated much before the expiry of the extended probationary period and shortly after his resumption of duties from medical leave, without any meaningful assessment of his academic performance during the intervening period. Learned counsel also alleges that the entire action was actuated by mala fides and retaliation following the appellant's complaint against the then Vice-Chancellor, emphasizing the sequence of events, including the alleged threats and the issuance of several show-cause notices immediately thereafter, as well as the alleged stoppage of his salary immediately preceding the termination. It is also argued that the learned Single Judge failed to examine the appellant's challenge regarding the legality of the composition of the Executive Council which resolved to terminate his services. Learned counsel would further contend that the University itself, in its communication to the authorities of the President's Secretariat, had allegedly acknowledged the appellant to be one of its good teachers and researchers, thereby contradicting the subsequent stand that his performance during probation was unsatisfactory. Lastly, it is submitted that the learned Single Judge failed to properly

appreciate the procedural objections raised by the appellant regarding the reply subsequently filed by the respondents and the stand taken therein. On these submissions, learned counsel contends that the impugned judgment suffers from serious errors of fact and law, the termination is punitive and arbitrary in its true character and was passed in violation of the principles of natural justice and the statutory safeguards applicable to the appellant, and therefore the impugned judgment as well as the termination order deserve to be set aside.

6. Learned counsel for the respondents opposes the submissions made by learned counsel for the appellant in the present appeal and submits that the learned Single Judge after considering all the aspects has rightly dismissed the writ petition filed by the writ petitioner / appellant herein, in which, no interference is sought for.
7. We have heard learned counsel for the parties and perused the impugned order and materials available on record.
8. From a perusal of the impugned judgment, it appears that the learned Single Judge, taking note of Condition No.7 of the appellant's appointment order dated 15.02.2012, held that the appellant was appointed on probation for a period of two years, extendable by a further period of one year, and that his services could be terminated if his performance during probation was found to be unsatisfactory. The learned Single Judge observed

that the impugned termination order dated 26.08.2013 was passed during the probationary period and merely recorded that the appellant's services were found unsatisfactory and that the Executive Council, in its meeting dated 24.08.2013, had resolved to terminate his services under the relevant condition of appointment. Holding that the language of the termination order did not contain any allegation of misconduct or any expression rendering it punitive or stigmatic, the learned Single Judge rejected the contention that the issuance of show-cause notices prior to termination established that the action was founded upon misconduct requiring a departmental enquiry. Relying upon the decision of the Hon'ble Supreme Court in *Rajasthan High Court v. Ved Priya*, the learned Single Judge held that termination of a probationer on the basis of an assessment that his performance was unsatisfactory did not necessitate a departmental enquiry under Article 311 of the Constitution, and consequently concluded that the termination was simpliciter in nature. The judgments relied upon by the appellant were held to be distinguishable on facts and, finding no ground to interfere with the termination order, the learned Single Judge dismissed the writ petition as being devoid of merit.

9. Considering the submissions made by the learned counsel appearing for the parties and the impugned order passed by the learned Single Judge, we notice that the same has been rendered with cogent and justifiable reasons. In an intra-court appeal, no

interference is usually warranted unless palpable infirmities are noticed on a plain reading of the impugned order. In the facts and circumstances of the instant case, on a plain reading of order, we do not notice any such palpable infirmity or perversity, as such, we are not inclined to interfere with the impugned order.

- 10.** In the result, the writ appeal lacks merit substance, is liable to be and is hereby **dismissed**.

Sd/-
(Ravindra Kumar Agrawal)
Judge

Sd/-
(Ramesh Sinha)
Chief Justice