

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11558 of 2025

Dr. Shishir Kumar Gangwar, Son of Sri Mahesh Chandra Gangwar, Resident of Kusum Bhavan, B1/34, Sector-G, Jankipuran, Lucknow (UP), 226021.

... .. Petitioner/s

Versus

1. Dr. Rajendra Prasad Central Agriculture University, Pusa, Samastipur-848125, through its Registrar.
2. The Registrar, Dr. Rajendra Prasad Central Agriculture University Pusa, Samastipur-848125, Bihar.
3. The Vice-Chancellor, Dr. Rajendra Prasad Central Agriculture University, Pusa, Samastipur-848125, Bihar.
4. Dr. P.S. Pandey, name of father not known to the petitioner, presently functioning as Vice-Chancellor, Dr. Rajendra Prasad Central Agriculture University, Pusa, Samastipur 848125, Bihar.
5. The Chief Vigilance Officer, Dr. Rajendra Prasad Central Agriculture University, Pusa, Samastipur 848125, Bihar.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Shivendra Kishore, Sr. Advocate Mr. Saroj Kumar, Advocate Mrs. Prisu Snehil, Advocate
For the Respondent/s	:	Mr. P. K. Shahi, Sr. Advocate Mr. Vijay Shankar Upadhyay, Advocate Mr. Piyush Kumar Pandey, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
CAV JUDGMENT

Date : 13-10-2025

Heard learned Senior Advocate Mr. Shivendra Kishore, along with Mr. Saroj Kumar, learned Advocate for the petitioner and Mr. P. K. Shahi, learned Senior Advocate, duly assisted by Mr. Vijay Shankar Upadhyay, learned Advocate for the Dr. Rajendra Prasad Central Agriculture University.

2. Invoking the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India, challenge



in the present writ petition is made to a Memorandum, bearing no.19, dated 02.04.2025 (Annexure-P/1), issued under the signature of Chief Vigilance Officer, for and on behalf of the disciplinary authority Dr. Rajendra Prasad Central Agriculture University, Pusa (hereinafter referred to as 'the RPCAU') as also the departmental proceeding whereby and whereunder a charge-sheet for major penalty under Rule 14 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965 [hereinafter referred to as 'the CCS (CCA) Rules, 1965'] was proposed to be held against the petitioner on the imputation of misconduct and misbehaviour set out in the statement of charge. Challenge is also made to the Memorandum no. 33 dated 09.07.2025, issued under the signature of Chief Vigilance Officer, for and on behalf of the disciplinary authority whereby a supplementary charge-sheet for major penalties under Rule 14 of CCS (CCA) Rules, 1965 was proposed to be held against the petitioner on the imputation of misconduct and misbehaviour mentioned in the article of charges. Since the aforementioned memorandum has been brought to the knowledge of the petitioner after filing of the present writ application, the same is challenged by filing an interlocutory application, bearing I.A. No. 1 of 2025.



3. To appreciate the legal issues raised before this Court, the brief facts, which are relevant for adjudication of the same, are summarized hereinbelow:

(i) The petitioner, who was initially appointed to the post of Associate Professor on contract in the Animal Project Research Institute, Pusa. In the meanwhile, Advertisement No. 2/2017 dated 04.12.2017 (Annexure-P/2) was issued for appointment to the post of Programme Coordinator (Senior Scientist and Head) of Krishi Vigyan Kendra under RPCAU, Pusa.

(ii) The petitioner being found eligible submitted application for the post aforementioned along with other applicants. The application forms of the candidates were duly scrutinized and a call letter in favour of the candidates, including the petitioner, was issued to participate in the selection process. A selection committee was constituted and after interview the committee recommended the name of the petitioner for appointment to the post of Programme Coordinator (Senior Scientist and Head). The recommendation was duly approved by the Vice-chancellor and the Board of Management whereupon offer of appointment contained in letter dated 18.06.2019 (Annexure-P/4) was issued.



(iii) On completion of probation period of two years, the services of the petitioner was confirmed vide letter dated 28.08.2021 (Annexure-P/5) w.e.f. 18.06.2019. On 06.06.2024, a show-cause notice, duly issued by the Chief Vigilance Officer, RPCAU, Pusa was served upon the petitioner as to why his services be not terminated, since the services rendered as SRF and Visiting faculty undertaken by the petitioner do not qualify for counting in experience, as those were project based contractual appointment. Since the petitioner did not possess the experience in the stipulated pay structure or for the stipulated period, thus was not eligible for appointment.

(iv) The petitioner made a response to the show-cause on 18.07.2024 refuting the allegation. On being found it unsatisfactory, the Chief Vigilance Officer issued impugned Memorandum dated 02.04.2025 for major punishment, which is put to challenge in the present writ petition.

4. After filing of the writ petition, the petitioner also came to know that a second memorandum containing supplementary charge-sheet for major penalty also came to be issued under Memo No. 33 dated 09.07.2025 with a subsequent imputation that the petitioner was not eligible for the post at the time of submitting application on account of non-fulfillment of



the essential age limit criteria. The maximum age limit for the post was 45 years, however, the petitioner at the time of submission of application was 46 years, 7 months and 27 days old. Furthermore, the petitioner was not entitled to any relaxation in age limit, as he was not a regular employee of RPCAU, Pusa at the time of submitting his application.

5. Mr. Shivendra Kishore, learned Senior Advocate for the petitioner while assailing the impugned orders as well as initiation of departmental proceeding has urged that the alleged delinquency of the petitioner, if any, was known to the respondents in the year 2017, but the impugned memo of charge came to be issued in the year 2025, after a delay of eight years and, as such, belated initiation of departmental proceeding, besides it caused prejudice, the same is bound to affect his defence and thereby causing irreparable prejudice. It is submitted that this is not the case of the respondents or even the imputation against the petitioner that the documents/certificate submitted by the petitioner, are not genuine, forged and fabricated or manufactured one, rather the documents and the certificates were duly scrutinized by the screening committee in the office of RPCAU, Pusa, leading to issuance of the call letter. The petitioner faced the interview and on being recommended



by the duly constituted selection committee, he was offered appointment after getting approval of the Vice-chancellor and the Board of Management of the University.

6. Learned Senior Advocate further urged that the Board of Management of the University in its meeting held on 06.12.2023 had resolved to proceed for detailed enquiry under the CCS (CCA) Rules, 1965 for major penalty. After deliberation at length in each case, the Board of Management has approved that the Vice-chancellor is authorized for approving Enquiry Officers and Presenting Officers, issuance of charge sheets, taking day-to-day decisions relating with the enquiry proceedings under CCS (CCA) Rules, 1965 and submit enquiry report to the Board of Management for taking decision in the cases wherein the Board of Management is the disciplinary authority.

7. Referring to the minutes of the meeting, the copy of which is placed as Annexure-R/5 to the counter affidavit, it is submitted that once the Board of Management has delegated the power to the Vice-chancellor, the memorandum of charge can only be issued by the Vice-chancellor of the University itself and non-else. Issuance of the Memorandum containing charge-sheet for major penalty under the signature of Chief Vigilance



Officer for and on behalf of the disciplinary authority is wholly without jurisdiction. Moreover, at delegated power must be conferred by the committee alone. He thus submitted that where a power is given to do a certain thing in a certain way, the thing must be done in that way or not at all. Other modes of performance are necessarily forbidden. Reliance has been placed on decisions rendered by the Hon'ble Supreme Court in the case of *A. K. Roy & Anr. Vs. State of Punjab & Ors.*, reported in, *AIR 1986 SC 2160*, *Sahni Silk Mills (P) Ltd. and another vs. Employees' State Insurance Corporation*, reported in, *(1994) 5 SCC 346* and *Director General, ESI & Anr. Vs. T. Abdul Razak*, reported in, *(1996) 4 SCC 708*.

8. Taking this Court through the provisions of the CCS (CCA) Rules, 1965 especially Rule 14(3), learned Senior Advocate further contended that the charge-sheet must be approved by the disciplinary authority and in absence thereof issuance of charge-sheet by a person, having no competence is invalid. It is only the competent authority, who can issue charge-sheet. Since the charge-sheet was not issued by the Board of Management or Vice-chancellor, but by the Chief Vigilance Officer, hence the same is also bad in the eyes of law. To bolster his submission, reliance has been placed on decisions in the case



of *Steel Authority of India Vs. Presiding Officer, Labour Court*, reported in, (1980) 3 SCC 734, *Registrar, Cooperative Societies, Madras & Anr. Vs. F. X. Fernando*, reported in, (1994) 2 SCC 746 and lastly *Union of India & Ors. Vs. B.V. Gopinath*, reported in, (2014) 1 SCC 351.

9. To buttress his submission, in relation to the issue of inordinate delay in issuing charge memo, he placed reliance upon the decision rendered by the Hon'ble Supreme Court in the case of *State of M.P. Vs. Bani Singh & Another*, reported in, AIR 1990 SC 1308, *P.D. Agrawal Vs. State Bank of India & Ors.*, reported in, (2006) 8 SCC 776, *P. V. Mahadevan Vs. MD, T.N. Housing Board*, reported in, (2005) 6 SCC 636 and further in the case of *State of Punjab & Others Vs. Chaman Lal Goyal*, reported in, (1995) 2 SCC 570.

10. Referring to the aforementioned decisions, learned Senior Advocate thus concluded his submission that the impugned orders are unsustainable in law as well as on facts, inter alia, on the ground of delay and the same being issued by an authority, who is not competent to do so and the memo of charge contains no list of witnesses and documents and even if the allegation taken to be true, no case of misconduct is made out in absence of the allegation of suppression having been



made by the petitioner and his testimonials/certificates are found to be forged and fabricated.

11. Mr. P. K. Shahi, learned Senior Advocate dispelling the aforementioned contention has submitted that as per Section 9(1) of the DRPCAU Act, 2016, the President of India is the Visitor of the University having all the power to inspection or enquiry. The Visitor may direct the Vice-chancellor regarding inspection or enquiry. In the present case, on a public complaint made before His Excellency, the President of India regarding the financial irregularities and administrative corruption in the RPCAU, Pusa, a letter was sent by the Deputy Secretary, President's Secretariat to the Department of Agricultural Research and Education (in short 'DARE') regarding the approval of the proposal for action to be taken on the enquiry report submitted by the enquiry committee. Before initiation of the proceeding in pursuant to the letter issued by the Under Secretary, Government of India to the Vice-chancellor, an enquiry committee was constituted and a report was submitted, in which it was found that the petitioner was not eligible for the post against which he was selected. Finding of the committee was placed before the Board of Management on 06.12.2023. As per Agenda Item No. 21.8 the proposed action against the



petitioner under the CCS (CCA) Rules, 1965 was approved. Furthermore, the Board of Management authorized the Vice-chancellor to do needful, including the appointment of Inquiry Officers and Presenting Officers, issue charge sheet and make day-to-day decisions related to the inquiry proceedings. The Vice-chancellor had written a letter to the Secretary DARE, Ministry of Agriculture and Farmers Welfare, Krishi Bhawan and he has been informed that Hon'ble Visitor had approved to proceed and to take appropriate action against the University employees.

12. In the aforesaid premise, the petitioner was served with the show-cause notice. However, he failed to justify his selection/appointment, which resulted into issuance of a charge-sheet on 02.04.2025. The petitioner had already submitted his written statement. The Enquiry Officer as well as Presenting Officer have already been appointed. Subsequently, a supplementary charge-sheet was also issued to the petitioner when it was found that the petitioner was also not well within the prescribed age limit at the time of appointment. It has also been informed that disciplinary action was also initiated against the member of the screening committee and selection committee, who were involved in the selection process of the



petitioner. Besides the action taken against the aforementioned person, a separate disciplinary action has also been taken against the then Vice-chancellor by the Indian Council of Agriculture and Research, New Delhi for the selection of the petitioner despite not fulfilling the eligibility criteria.

13. Mr. Shahi, learned Advocate representing the RPCAU, Pusa has drawn the attention of this Court to the memorandum containing charge-sheet and supplementary charge-sheet submitted that the same has been issued for and on behalf of the disciplinary authority. Thus, there is no dispute that the charge-sheet and the supplementary charge-sheet have got approval of the disciplinary authority. The petitioner has failed to make out a case as to what prejudice has been caused to him. Nonetheless when complaint has been made against the petitioner, an enquiry was duly conducted by the order of His Excellency and on being found the very appointment of the petitioner was made dehors the Rules and in collusion with the members of the screening committee and selection committee, the disciplinary proceeding has been initiated under CCS (CCA) Rules, 1965. The memo of charge(s), which are questioned herein is only communicated through the Chief Vigilance Officer for and on behalf of the disciplinary authority and, as



such, in no circumstances it can be said to be issued by an incompetent person or without jurisdiction. The submission made by the learned Senior Advocate on behalf of the petitioner is wholly misconceived. There is no allegation of malafide, moreover, the defence of the petitioner shall be looked into by the disciplinary authority and thus it should not be nipped in the bud.

14. This Court has given anxious consideration to the submissions advanced by the learned Senior Advocates for the petitioner and the University, as also meticulously perused the materials available on record.

15. Before coming to the facts of this case to answer the issues raised before this Court, inter alia, as to whether the initiation of the departmental proceeding against the petitioner as also the charge-memo is bad on account of inordinate delay. The relevant rulings cited by the learned Senior Advocate for the petitioner are worth benefitting to be noticed. In the case of **Bani Singh** (supra), a delay of twelve years in initiating disciplinary proceedings without satisfactory explanation was held unfair and the enquiry was not permitted to proceed at such a later stage. The apex Court held that normally, pending or contemplated disciplinary proceedings



have no impact on an employee's right to be considered for promotion. Only when charges are framed after a *prima facie* case is made out, the sealed cover procedure applies. Where proceedings have not reached that stage, consideration for promotion cannot be withheld merely due to pendency of such proceedings. In the said case, even a preliminary enquiry on complaints regarding the officer's integrity had not been completed, so the Screening Committee was wrong to defer his selection for the selection grade. Inordinate and unexplained delay of twelve years in initiating disciplinary proceeding renders enquiry unfair, as the pending unframed charges cannot withhold promotion consideration.

16. In the case of ***P. D. Agrawal*** (supra), the Hon'ble Supreme Court observed that delay in initiating departmental enquiry does not vitiate proceedings unless the delinquent demonstrates prejudice caused thereby. In ***P. V. Mahadevan*** case (supra), the Hon'ble Supreme Court noticing the fact that irregularity committed in the year 1990 led to disciplinary action in the year 2000, though the explanation that the matter came to light in the year 1994-95 and the audit report was already rejected, but no convincing explanation was given for the inordinate delay. The Court held that a protracted



disciplinary enquiry causing mental agony and suffering to the employee, the same should be avoided, not only in the interest of the employee but also in public interest and to inspire confidence among Government servants. Further in the case of ***Chaman Lal Goyal*** (supra), the Hon'ble Supreme Court unequivocally held that the delay if long and explained, the Court may quash the charges. However, what constitutes 'too long' depends on the facts of each case. If delay is likely to prejudice the petitioner's defence, the enquiry must be stopped. Whenever such a plea is raised, the Court must balance the factors for and against on the totality of circumstances.

17. Coming to the facts of this case, though the advertisement was issued in the year 2017, but the appointment took place in the year 2019 and thereupon it was confirmed in 2021 after completion of the probation period. The irregularity, if any found in appointment of the petitioner, noticed by the authority concerned on a public complaint, which was made for the first time in the year, 2023 and thereupon an enquiry was conducted and on receipt of the enquiry report the petitioner was served with the show-cause notice in the year 2024 and on being found his response unsatisfactory, the memorandum containing charge-sheet and supplementary charge-sheet were issued,



hence in the opinion of this Court there is no delay in issuing of memo of charge and initiation of departmental proceeding. The petitioner also failed to persuade the Court that any prejudice has been caused on account of any alleged delay. The plea of the petitioner that the memo of charge is bad in law on account of inordinate delay in its issuance has no substance and accordingly stands rejected.

18. Now coming to the next legal issue that the authority with delegated power cannot sub-delegate the delegated power unless legislature provides so, is well settled principle. In the case of *A. K. Roy* (supra), the Court held that the maxim of delegatus non potest delegare merely indicates that sub-delegation of powers is not normally allowable though the legislature can always provide for sub-delegation. Where a power is given to do a certain thing in a certain way, the thing must be done in that way or not at all. Other modes of performance are necessarily forbidden. In the said case, the power to initiate prosecution for offence under Section 20(1) of the Prevention of Food Adulteration Act, 1954 was delegated by the State Government, through Rule 3, to the Food (Health) Authority, which was further delegated to Food Inspector. The Court held that the Food Authority had no power to delegate as



rules framed under the statute cannot go against the provisions of statute.

19. Similarly, in the case of **Sahni Silk Mills Pvt Ltd.** (supra), the Hon'ble supreme Court held as follows:

“The Courts are normally rigorous in requiring that statutory power be exercised only by the persons or bodies authorised by the statute. Delegated power must be exercised by the conferred authority alone. However, in the present administrative set-up, extreme judicial aversion to delegation cannot be carried too far. A public authority may employ agents to exercise its powers, which is why many statutes authorise delegation either expressly or impliedly. With the enormous rise in statutory activities, the maxim delegatus non potest delegare is not being strictly applied, especially in cases of administrative discretionary power. It is almost settled that the legislature may permit any statutory authority to delegate its power to another authority, provided the statute lays down the policy framework within which the delegatee must act. The real controversy arises in cases of sub-delegation, since when Parliament has specifically appointed an authority to discharge a function, it cannot be readily presumed that the delegate has the freedom to empower another person or body to act in its place.”



20. In the light of the aforesaid settled legal proposition, now coming to the issue as to whether the memorandum containing the charge-sheet/supplementary charge-sheet issued by the Chief Vigilance Officer, for and on behalf of the disciplinary authority is valid or suffers from the vice of sub-delegation of power dehors the Rule and the decision taken by the Board of Management, who is the disciplinary authority in the case in hand; but before answering this issue, it would be pertinent to take note of other decisions.

21. In the case of *Steel Authority of India* (supra), the Hon'ble Supreme Court noticed that under the Company's Discipline and Appeal Rules, only the Personnel Manager as the disciplinary authority to frame charges and constitute an inquiry committee. Since there was no approved rule authorising any other head of department for this purpose, charge-sheets issued and inquiry committee constituted by the Chief Medical Officer was held to be unauthorised. Consequently, the dismissal order passed by the Personnel Manager on the basis of such inquiry reports by such unauthorized inquiry committee was held invalid.

22. In the case of *FX. Fernando* (supra), the Hon'ble Supreme Court considering the fact that on the



direction of the State Government, the Registrar (Head of Department) issued a charge-sheet on 20.03.1989 to a State service officer upon conferring the power under notification dated 17-3-1988 held the charge-sheet was valid. The Court further observed that the Registrar though not empowered to impose penalty, could validly issue charge-sheet and appoint an Enquiry Officer when such power was conferred by State Government under the notification.

23. The similar issue was also considered in the case of ***B.V. Gopinath*** (supra) where the Hon'ble Supreme Court on being found that the charge-sheet not having been issued by the disciplinary authority held to be invalid. Under Rule 14(3) of the CCS (CCA) Rules, the disciplinary authority must draw up or cause to be drawn up the definite and distinct articles of charge. The phrase "cause to be drawn up" only permits a subordinate authority to prepare a draft, but the charges must be approved and finalised by the disciplinary authority. Thus, a charge-sheet without such approval is without authority of law.

24. In the aforesaid settled legal background, this Court notices the facts of this case. It is not in dispute that the disciplinary proceeding has been initiated under the CCS (CCA)



Rules, 1965. Rule 14(3) of the CCS (CCA) Rules, 1965 reads as follows:

“(3) Where it is proposed to hold an inquiry against a Government servant under this rule and rule 15, the disciplinary authority shall draw up or cause to be drawn up-

(i) the substance of the imputations of misconduct or misbehaviour into definite and distinct articles of charge;

(ii) a statement of the imputations of misconduct or misbehaviour in support of each article of charge, which shall contain-

(a) a statement of all relevant facts including any admission or confession made by the Government servant;

(b) a list of documents by which, and a list of witnesses by whom, the articles of charge are proposed to be sustained.”

25. Bare reading of the aforesaid rule, it is manifest that it is a disciplinary authority, who shall or shall cause to be prepared the article of charge and statement of imputation of misconduct or misbehaviour and that memo of charge shall contain a list of documents/witnesses by whom, the articles of charge are proposed to be sustained.

26. Admittedly in the case in hand, the Board of



Management being the disciplinary authority in its meeting as per Agent Item No. 21.8 authorized the Vice-chancellor to approve appointment of Inquiry Officers and Presenting Officers, issue charge sheet and make day-to-day decisions related to the inquiry proceedings under the CCS (CCA) Rules, 1965. If under the Rule, the disciplinary authority is empowered and authorized to issue the article of charge and statement of imputation of misconduct and misbehaviour, then the same is required to be done *by* the disciplinary authority alone and none else. Even if it is accepted that after deliberation, the Board of Management has authorized the Vice-chancellor for approving the Inquiry Officer and Presenting Officer for issuance of charge-sheet and take day-to-day decision relating with the enquiry proceeding and submitted the enquiry report to the Board of Management for taking decision, the Memo of charge issued under the signature of Chief Vigilance Officer, for and on behalf of the disciplinary authority is not unsustainable in law, without its approval having been done by the Board of Management.

27. It would be worth benefiting to refer the decision rendered by the Hon'ble Supreme Court in the case of ***B.V. Gopinath*** (supra) wherein the Court while emphasizing the



Article 311(1) of the Constitution of India, which ensures that no person who is a member of a civil service of the Union or an all-India service can be dismissed or removed by an authority subordinate to that by which he was appointed observed that to effectuate and ensure compliance with the mandatory requirements of Article 311(2), the Government of India has promulgated the CCS (CCA) Rules, 1965. The disciplinary proceedings against the delinquent found to be initiated in terms of Rule 14 of the Rules, 1965. It is further observed that Rule 14(3) clearly lays down that where it is proposed to hold an inquiry against a government servant under Rule 14 or Rule 15, the disciplinary authority shall *draw up* or *cause to be drawn up* the substance of imputation of misconduct or misbehaviour into definite and distinct articles of charges.

28. The Court further ruled that the term “cause to be drawn up” does not mean that the definite and distinct articles of charges once drawn up do not have to be approved by the disciplinary authority. The term “cause to be drawn up” merely refers to a delegation by the disciplinary authority to a subordinate authority to perform the task of drawing up substance of proposed “definite and distinct articles of charge-sheet”. These proposed articles of charge would only be



finalised upon approval by the disciplinary authority. Rule 14(4) again mandates that the disciplinary authority *shall deliver or cause to be delivered* to the government servant, a copy of the articles of charge, the statement of the imputations of misconduct or misbehaviour and the supporting documents including a list of witnesses by which each article of charge is proposed to be proved. It is, therefore, not possible to interpret this provision as providing that once the disciplinary authority approves the initiation of the disciplinary proceedings, the charge-sheet can be drawn up by an authority other than the disciplinary authority. This would destroy the underlying protection guaranteed under Article 311(1) of the Constitution of India. Such procedure would also do violence to the protective provisions contained under Article 311(2) which ensures that no public servant is dismissed, removed or suspended without following a fair procedure in which he/she has been given a reasonable opportunity to meet the allegations contained in the charge-sheet. Such a charge-sheet can only be issued upon approval by the appointing authority i.e. Finance Minister.

29. In the case of ***B.V. Gopinath*** (supra), the Hon'ble Supreme Court has also underscored the principle of rule against delegation by explaining the maxim of delegatus



non potest delegare and referred the decision of ***Sahni Silk Mills (P) Ltd.*** (*supra*). The relevant paragraph, quoted as follows:

“6. By now it is almost settled that the legislature can permit any statutory authority to delegate its power to any other authority, of course, after the policy has been indicated in the statute itself within the framework of which such delegatee (sic) is to exercise the power. The real problem or the controversy arises when there is a subdelegation. It is said that when Parliament has specifically appointed authority to discharge a function, it cannot be readily presumed that it had intended that its delegate should be free to empower another person or body to act in its place.”

30. The Hon’ble Supreme Court finally in the aforementioned case held that the charge-sheet/charge memo having not been approved by the disciplinary authority is non est in the eye of the law.

31. The two Judges Bench of the Hon’ble Supreme Court in the case of ***State of Tamil Nadu Vs. Promod Kumar, IPS and Another***, reported in ***(2018) 17 SCC 677*** clarified the necessity of approval of initiation of disciplinary proceeding distinguished from approval of charge-sheet. The Hon’ble



Supreme Court noticing the decision rendered in the case of ***B.V. Gopinath*** (supra) held that if any authority other than the disciplinary authority is permitted to draw the charge memo, the same would result in destroying the underlying protection guaranteed under Article 311(2) of the Constitution of India. The Court unequivocally held that the rule requires something to be done in particular manner it should be done in the same manner and not at all.

32. Taking note of mandatory requirement of Rule 8(4) of the All India Services (Discipline and Appeal) Rules, 1969, the Court observed that since the charge memo being drawn up or caused to be drawn up by the disciplinary authority is not complied with find no illegality in the order passed by the High Court on this issue, whereby it quashes the disciplinary proceeding, however, the Hon'ble Supreme Court further extended liberty to the disciplinary authority to issue a charge memo afresh after taking approval from the disciplinary authority.

33. In view of the settled legal positing and the discussions made hereinabove, the issue answered accordingly; The Board of Management, being disciplinary authority, having power of delegation under the statute may delegate its power to



the Vice-chancellor only to the extent of drawing the charge memo, but subject to approval by the disciplinary authority, before its issuance. Any memo of charge by the Chief Vigilance Officer without explicitly getting its approval by the Board of Management (Disciplinary Authority) cannot be held to be valid.

34. This Court finds substance in the writ petition, hence the charge memo, as contained in Memorandum, bearing no.19, dated 02.04.2025 (Annexure-P/1), as also the supplementary charge-sheet as contained in Memo No. 33 dated 09.07.2025 are set aside. The matter is remitted to the disciplinary authority to proceed further in the matter in accordance with law keeping in mind the specific prescription of the CCS (CCA) Rules, 1965 and the mandate of the Hon’ble Supreme Court in the case of *B.V. Gopinath* (supra).

35. The writ petition stands allowed.

(Harish Kumar, J)

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AFR/NAFR	AFR
CAV DATE	16.09.2025
Uploading Date	14.10.2025
Transmission Date	NA

