



2026:CGHC:2950-DB



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WA No. 26 of 2026**

1 - Dwarika Prasad Vipra Mahavidyalaya Through The Principal,
Dwarika Prasad Vipra Mahavidyalaya, High Court Road, Bilaspur,
Chhattisgarh

2 - The Governing Body Dwarika Prasad Vipra Mahavidyalaya, Through
Its Chairman, Bilaspur, Chhattisgarh

... Appellants**versus**

1 - State of Chhattisgarh Through Secretary, Department of Higher
Education, Mahanadi Bhawan, Mantralaya, Nawa Raipur, District
Raipur, Chhattisgarh

2 - The Commissioner Higher Education Department, C.G. Government
Science College, Hostel No. 4 Raipur, District Raipur, Chhattisgarh

3 - Arun Kumar Kashyap S/o Ram Prasad Kashyap Aged About 48
Years R/o Arti Computers, Karbala Road, Bilaspur, Chhattisgarh

... Respondents

(Cause-title taken from Case Information System)

For Appellants : Mr. Aman Saxena, Advocate

For Respondent Nos. 1 & : Mr. Praveen Das, Addl. Advocate General
2 /State

For Respondent No.3 : Mr. Anurag Dayal Shrivastava, Advocate

Hon'ble Shri Ramesh Sinha, Chief Justice
Hon'ble Shri Ravindra Kumar Agrawal, Judge

Judgment on Board**Per Ramesh Sinha, Chief Justice****19.01.2026**

1 Mr. Aman Pandey, learned counsel for the appellants submits that



he has filed his power today itself and he may be permitted to argue the matter on behalf of the appellants.

- 2 Considering the fact that Mr. Aman Pandey has already filed his power on behalf of the appellants, he is permitted to argue the case.
- 3 Heard Mr. Aman Pandey, learned counsel for the appellants, Mr.Praveen Das, learned Additional Advocate General, appearing for the State/respondent Nos. 1 & 2 as well as Mr.Anurag Dayal Shrivastava, learned counsel, appearing for respondent No.3 on I.A. No. 02 of 2026, which is an application for condonation of delay of 02 days in filing the instant appeal.
- 4 For the reasons mentioned in the application, the same is allowed. Delay in filing the appeal is hereby condoned. With the consent of learned counsel for the parties, the appeal is heard finally.
- 5 By way of present writ appeal under Section 2 of Sub-Section (1) of the Chhattisgarh High Court (Appeal to Division Bench Act, 2006, the appellants, who were writ petitioners, have challenged the order dated 09.11.2025 passed by learned Single Judge in WPS No.6440 of 2019 (***Dwarika Prasad Vipra Mahavidyalay Vs. State of Chhattisgarh & Others***), by which the writ petition filed by the appellants / writ petitioners has been dismissed by the learned Single Judge.



- 6** Brief facts necessary for disposal of this appeal are that respondent No. 3 was working as a Book Lifter in the petitioner's college. His services were terminated vide order dated 02.02.2008 (Annexure P/15) issued by the petitioner. Aggrieved by the said order, respondent No. 3 preferred an appeal before the Commissioner, Directorate of Higher Education, Raipur, under the relevant provisions of the Madhya Pradesh Shaskiya Shiksha Sansthan (Anudan Ka Praday) Adhiniyam, 1978 (for short Adhiniyam, 1978). The appellate authority allowed the appeal and set aside the order of termination. Being aggrieved by the same, the appellants / writ petitioners have filed a writ petition before this Court bearing WPS No. 6440 of 2009, which has been dismissed by the learned Single Judge vide impugned order dated 09.10.2025. Hence, this appeal.
- 7** Learned counsel for the appellants submits that the order impugned passed by the learned Single Judge is perverse and not sustainable in law as the learned Single Judge failed to consider that opportunity of hearing was never granted the petitioners while passing order dated 23.09.2009 for recalling the termination order of Respondent No. 03, which is evident from the Annexure A-20. He further submits that the learned Single Judge ought have appreciated that no opportunity of hearing was afforded to the appellants before passing of order by the Respondent Authority clearly violating settled principle of law that



no adverse order can be passed against a person without affording opportunity of hearing. In support of his contention, he placed reliance on the judgment passed Hon'ble Supreme Court in the case of ***Daffodils Pharmaceuticals Ltd. v. State of U.P., (2020) 18 SCC 550.***

- 8 On the other hand, learned counsel for respondent No. 3, while opposing the writ appeal, submits that in terms of Section 6(a)(iii) of the Adhiniyam, 1978, a teacher or an employee of the petitioner's institution can be removed or dismissed only by strictly following the prescribed procedure. The said procedure is mandatorily provided under the *Madhya Pradesh Ashaskiya Shikshan Sansthan Adhyapak Tatha Anya Karmachari Padachyut Evam Seva Se Hatane Sambandhi Prakriya Niyam, 1983* (hereinafter referred to as "the Rules of 1983"). Since the petitioner failed to comply with the mandatory provisions of the Rules of 1983, the order of termination was rightly held to be unsustainable. It is further submitted that, in terms of the proviso to Section 6(a)(iii) of the Adhiniyam, 1978, the appellate authority is empowered to conduct such inquiry as it deems fit and to confirm, modify or set aside the impugned order. In the present case, the appellate authority conducted a due inquiry after affording adequate opportunity of hearing to the petitioner and, being satisfied with the inquiry findings, passed a reasoned and speaking order setting aside the termination. The learned counsel, therefore, submits that the order under challenge calls for no



interference in the writ appeal and deserves to be upheld.

- 9 We have considered the rival submissions advanced by learned counsel for the parties and perused the record.
- 10 Having heard learned counsel for the parties and on careful perusal of the record, this Court finds no substance in the contentions advanced on behalf of the appellants. Section 6(a)(iii) of the Adhiniyam, 1978 clearly mandates that removal or dismissal of an employee of a non-government educational institution can be effected only by following the procedure prescribed under the Rules of 1983. Admittedly, the appellants failed to adhere to the mandatory provisions of the said Rules while terminating the services of respondent No. 3, rendering the termination order unsustainable in law. The appellate authority, in exercise of powers conferred under the proviso to Section 6(a)(iii) of the Adhiniyam, 1978, conducted an inquiry after affording due opportunity of hearing to the appellants and thereafter passed a reasoned and speaking order setting aside the termination. The learned Single Judge has rightly appreciated the facts and the legal position while dismissing the writ petition. The plea of violation of principles of natural justice raised by the appellants is devoid of merit in view of the opportunity granted during the appellate proceedings. Reliance placed on the judgment in *Daffodils Pharmaceuticals Ltd.* (supra) is misconceived and not applicable to the facts of the present case.



- 11** Consequently, no ground is made out for interference with the impugned order. The writ appeal, being devoid of merit, is accordingly **dismissed**.

Sd/-
(Ravindra Kumar Agrawal)
Judge

Sd/-
(Ramesh Sinha)
Chief Justice

Chandra