

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1734 of 2026

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Mahesh Hooda Son of Shri Dilbagh Hooda, permanent resident of Upper Ground Floor, Plot No. 276, Near Park, Vipin Garden, Uttam Nagar, West Delhi, Delhi- 110 059, presently residing at Flat No.4, Shri Krishna Nagar, P.S. and Town Motihari, District- East Champaran, Bihar - 845401.

... .. Petitioner/s

Versus

1. Dr. Rajendra Prasad Central Agricultural University Pusa, Samastipur- 848125, through its Registrar.
2. The Registrar, Dr. Rajendra Prasad Central Agricultural University Pusa, Samastipur - 848125, Bihar.
3. The Vice-Chancellor, Dr. Rajendra Prasad Central Agricultural University, Pusa, Samastipur - 848125, Bihar.
4. The Chief Vigilance Officer, Dr. Rajendra Prasad Central Agricultural University, Pusa, Samastipur - 848125, Bihar.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 1797 of 2026

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Dr. Ramesh Kumar Pathak Son of Late Ram Murti Pathak, Permanent resident of 7/505 Janakipuram Extension, Lucknow, Uttar Pradesh- 226 021, presently residing at New C-1/15, RPCAU Campus, Pusa, PS Pusa, District- Samastipur, Bihar- 848125.

... .. Petitioner/s

Versus

1. Dr. Rajendra Prasad Central Agriculture University Pusa, Samastipur- 848125, through its Registrar.
2. The Registrar, Dr. Rajendra Prasad Central Agricultural University Pusa, Samastipur- 848125, Bihar.
3. The Vice-Chancellor, Dr. Rajendra Prasad Central Agricultural University Pusa, Samastipur- 848125, Bihar.
4. The Chief Vigilance Officer, Dr. Rajendra Prasad Central Agricultural University Pusa, Samastipur- 848125, Bihar.

... .. Respondent/s

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Appearance :

(In Civil Writ Jurisdiction Case No. 1734 of 2026)

For the Petitioner/s : Mr. Shivendra Kishore, Sr. Adv.

Mr.Saroj Kumar, Adv.

For the Respondent/s : Mr. Amit Srivastava, Sr. Adv.

Mr.Vijay Shankar Upadhyay, Adv.

(In Civil Writ Jurisdiction Case No. 1797 of 2026)

For the Petitioner/s : Mr.Prisu Snehil, Adv.

For the Respondent/s : Mr. Amit Srivastava, Sr. Adv.



Mr.Vijay Shankar Upadhyay, Adv.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 01-10-2026

Heard learned Senior Advocate, Mr. Shivendra Kishore, along with Mr. Saroj Kumar, learned Advocate for the petitioners and Mr. Amit Srivastava, learned Senior Advocate, along with Mr. Vijay Shankar Upadhaya, learned Advocate for the Dr. Rajendra Prasad Central Agricultural University, in both the matters.

2. Invoking the extraordinary prerogative writ jurisdiction of this Court, the petitioners seek quashing of the Memorandum bearing Nos. 17 and 18 dated 02.04.2025., issued under the signature of the Chief Vigilance Officer, for and on behalf of Disciplinary Authority, Dr. Rajendra Prasad Central Agricultural University, Pusa (for short 'RPCAU'), whereby and whereunder a disciplinary proceeding under Rule 14 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965 (for short 'CCS (CCA) Rules, 1965') was proposed to be held against the petitioner on the imputation of misconduct and misbehavior set out in the statement of article of charge.

3. The petitioners also sought quashing of the resolution of Board of Management in its 21st meeting held on 06.12.2023 as against Agenda Number 21.8 so far the same



relates to the petitioners whereby the Board of Management has approved the recommendation of internal three-member committee report for initiation of departmental proceeding.

4. As during the pendency of the writ petition, the Enquiry Officer, after completing the departmental enquiry, submitted its enquiry report dated 02.02.2026. Perusal thereof, it appears that the charges were held established against the petitioners, the same is also challenged, *inter alia*, on various grounds by filing an interlocutory application bearing I.A. No.1 of 2026.

5. The facts of the case lie within a narrow compass. While the petitioners were working as Deputy Registrar on deputation basis in the RPCAU, Pusa, an advertisement bearing No. 01 of 2020 dated 06.02.2020 was issued for appointment to the post of Registrar on permanent basis. The essential qualification for the required post was Master's Degree with minimum 55% marks or its equivalent Grade of 'B' in the UGC 7-point scale from a recognized University/Institution, along with 9 years of experience in educational administration in a recognized deemed University, or equivalent experience in research established and/or other institutions of higher education, or 5 years of administrative experience as Assistant



Registrar or in an equivalent post. The advertisement further provided that the method of recruitment/selection would be direct recruitment.

6. The petitioners, having been found eligible for the post of Deputy Registrar (Direct Recruitment) in pursuant to the advertisement above-referred, submitted applications for consideration. The Screening Committee scrutinized the applications and declared the petitioners eligible for the interview. The petitioners were called for interview before the Selection Committee to be held on 08.09.2020. The Selection Committee having found the petitioners suitable for the post of Deputy Registrar (UR category) by way of direct recruitment, recommended the name of the petitioners. The recommendation of the Selection Committee was duly approved by the Board of Management and the Vice Chancellor. Seemingly, the RPCAU, Pusa issued offer of appointment in favor of the petitioners to the post of Deputy Registrar (UR category) on 11.09.2020, on which post the petitioners joined accordingly.

7. The petitioners were discharging their duty to the post of Deputy Registrar, in the meanwhile, a complaint was submitted before the Department of Agricultural Research and Education (for short 'DARE'), alleging therein administrative



and financial irregularities, committed by the Dean and the Vice Chancellor, whereupon the Hon'ble Visitor ordered to enquire into the allegations followed by constitution of a two-member enquiry committee, which enquired into the allegations and submitted its report, which was consequently placed before the Hon'ble Visitor, who ordered to take action under Section 9(6) of RPCAU Act, 2016.

8. The enquiry report was sent to the Vice Chancellor, RPCAU, Pusa, who constituted a three-member internal committee to examine the report and subsequently recommended against the petitioners to proceed departmentally. The report of the internal committee was placed before the Board of Management by the Chief Vigilance Officer, whereafter the Board of Management in its meeting held on 06.12.2023 resolved to initiate departmental proceedings against the petitioners under Rule 14 of the CCS (CCA) Rules, 1965.

9. The Board of Management further authorized the Vice Chancellor to issue charge-sheet; and to appoint the Enquiry Officer and Presenting Officer; to take decisions on day-to-day enquiry; and to place enquiry report before the Board of Management, where the Board of Management is the Disciplinary Authority.



10. The Chief Vigilance Officer thereupon issued the impugned Memorandum Nos. 17 and 18 dated 02.04.2025 against the petitioners for initiating departmental proceedings under Rule 14 of CCS (CCA) Rules, 1965, for and on behalf of the disciplinary authority and further appointed the Enquiry Officer and Presenting Officer on behalf of the disciplinary authority. The Enquiry Officer concluded the enquiry and closed the departmental proceeding and finally submitted the enquiry report dated 02.02.2026, which is put to challenge by filing the interlocutory application recorded hereinabove.

11. Learned Senior Advocate, Mr. Shivendra Kishore, assailing the impugned orders as also the very initiation of the departmental proceeding, has advanced manifold submissions, including the delay in issuance of memorandum dated 02.04.2025, proposing to punish the petitioners for misconduct, in view of the fact that the eligibility of the petitioners were known to the respondents in the year 2018 and without explaining the reason for delay, the impugned memorandum came to be issued on 02.04.2025. It is also argued with all vehemence that the respondents are required to obtain approval of Board of Management under Rule 14(3)(b) of CCS (CCA) Rules, 1965 before issuing the memorandum Nos. 17 and 18



dated 02.04.2025 for initiation of departmental proceedings against the petitioners, as the Board of Management is the appointing and disciplinary authority of the petitioners.

12. The continuation of the disciplinary enquiry, without supplying the defence documents and allowing the defence assistance from other station, amounts to violation of the principles of natural justice and contrary to the provisions contained under CCS (CCA) Rules, 1965.

13. Questioning the legality of the very memo of charge, it is specifically contended that the same has been issued, without approval of appointing/disciplinary authority of the petitioners, which, in the case at hand, is the Board of Management, the same is illegal and, as such, all subsequent actions/orders are illegal and will vitiate in the eye of law.

14. To support the aforesaid contention, heavy reliance has been placed on a decision rendered by the Hon'ble Supreme Court in the case of *Union of India & Ors. vs. B. V. Gopinath, (2014) 1 SCC 351*. Reliance has also been placed on a subsequent decision on the same line in the case of *Sunny Abraham vs. Union of India (2021) 20 SCC 12*.

15. During the course of hearing of the matter, this Court, after meticulous examination of the submissions and the



averments made in the writ petition, has narrowed down the issue as to whether before issuance of the memo of charge, the disciplinary authority who, in the case of the petitioners, is the Board of Management, has accorded approval to the same. Since, there was allegation and counter-allegation on behalf of the rival parties, the record of the departmental proceeding was also called for with respect to the petitioners.

16. Mr. Amit Srivastava, Learned Senior Advocate, representing the RPCAU, while dispelling the submissions advanced by learned Senior Advocate for the petitioners, it was submitted that the petitioners had applied without having required eligibility. The petitioners were not eligible for the post of Deputy Registrar as they were not holding analogous post on regular basis in the State/Central Autonomous Body of Government as desired in the advertisement. It is specifically contended that the Screening Committee wrongly screened the petitioners without having the required experience, and accordingly, the DARE's Committee concluded in its report that the petitioners were not eligible for the post of Deputy Registrar and recommended that the role of the officers/officials who dealt with the file be examined. The Screening Committee is said to have wrongly recommended the name of the



petitioners, for which charge sheet has also been framed against those members.

17. Taking this Court through the records and adverting the facts, it is further contended that based upon public complaints, in exercise of the powers vested under Section 9 of the RPCAU Act, the Visitor, i.e., the Hon'ble President of India directed an enquiry through DARE. On being satisfied with the enquiry report, the Hon'ble Visitor directed to take appropriate action in accordance with Section 9(6) of the Act. The Vice Chancellor seemingly acted in accordance with the provisions of Section 9(6) of the Act, pursuant to which the enquiry report was placed and duly deliberated in the 21st meeting of the Board of Management, under Agenda No. 21.8. The Board of Management resolved to proceed for detailed enquiry under the CCS (CCA) Rules, 1965 for major penalty. The Vice Chancellor was authorized for approving Enquiry Officer and Presenting Officer, issuance of charge sheets, taking day-to-day decisions relating with the enquiry proceedings under the CCS (CCA) Rules, 1965 and submitting the enquiry report to the Board of Management for taking decision in the case wherein the Board of Management is disciplinary authority, is the contention of the learned Senior Advocate.



18. Mr. Srivastava, learned Senior Advocate, further argued that the Vice Chancellor has not further delegated his power to the Chief Vigilance Officer, rather the Chief Vigilance Officer merely notified the orders of the Vice Chancellor, which is clearly reflected in all communications, including the charge sheet and the appointment of the Enquiry Officer and Presenting Officer, wherein it is expressly stated that these orders/letters have been issued for and on behalf of the competent authority. Since the appointing authority, that is Board of Management, approved the charges against the petitioners based on the documentary evidence presented by the Chief Vigilance Officer in 21st meeting of Board of Management held on 6.12.2023, whereupon the Board of Management clearly authorized the Vice-Chancellor to issue the charge sheet, there was no need to place the charge sheet before the appointing authority for its approval as the charges had already been approved.

19. This Court has meticulously perused the records produced before this Court in relation to departmental proceeding of the petitioners and also anxiously heard the learned Senior Advocates for the respective parties.

20. Upon consideration, the issue which has come up for consideration is, as has already been recorded earlier,



narrowed down on a single issue as to whether the approval accorded by the appointing authority, that is Board of Management, at the stage of initiation of the departmental proceeding is sufficient to cover the issuance of the charge memo or whether a fresh approval of the Board of Management is mandatorily required before issuance of the charge memo under Rule 14(3)(b) of the CCS (CCA) Rules, 1965.

21. To answer the issue, it would be pertinent to take note of Rule 14 of the CCS (CCA) Rules, 1965, since the disciplinary proceeding against the petitioners were duly initiated in terms of the aforesaid Rules. On a bare reading of Rule 14(3), it clearly lays down that where it is proposed to hold an enquiry against a government servant under Rule 14 or Rule 15, the disciplinary authority is obligated to draw up or cause to be drawn up the charge sheet. Rule 14(4) further 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 misbehavior, and the supporting documents, including a list of witnesses by which each article of charge is proposed to be proved.

22. In the case of ***B.V. Gopinath*** (supra), while interpreting the provisions aforenoted the Hon'ble Supreme



Court turned down the submission of Additional Solicitor General that once the disciplinary authority approves the initiation of disciplinary proceedings, the charge sheet can be drawn up by an authority other than the disciplinary authority. The Court precisely and authoritatively held that this would destroy the underlying protection guaranteed under Article 311(1) of the Constitution of India. Such procedure is said to be in violation of 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 or 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 of the appointing authority was the mandate of the Hon'ble Supreme Court.

23. In ***B.V. Gopinath*** (supra), the Court, noticing Clauses 8 and 9 of the circular, categorically observed that a plain reading of the aforesaid clauses show that it relates to a decision to be taken by the disciplinary authority as to whether the departmental proceedings are to be initiated or prosecution is to be sanctioned or both are to commence simultaneously. The competent authority, in the said case, for approval of the charge memo was the Finance Minister. There was no second authority



specified in the order. The Department firstly puts up the file before the Finance Minister seeking approval for issuing the charge memo/sanction of prosecution. When the decision is taken by the Finance Minister that the departmental proceedings are to be held, only then question of approval of charge memo arises. The Department would thereafter complete the necessary formalities and then place the file before the Finance Minister for approval of the charge memo. This provision, in the opinion of the Hon'ble Supreme Court, is in harmony with the mandate contained in Article 311(1) and (2). The Hon'ble Court, while coming to the conclusion, has also taken notice of the principle which was duly recognized in ***Sahni Silk Mills Private Limited vs. E.S.I. Corporation, (1994) 5 SCC 346***, wherein it was held as under:

“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.”

24. In the opinion of this Court, the issue raised before



this Court has been duly answered in the case of **B.V. Gopinath** (supra) and, thus it would be apt and proper to recapitulate paragraph nos. 49, 50, and 52, which would be clinching in nature and decide the issue.

49. We are unable to accept the submission of the learned Additional Solicitor General. Initially, when the file comes to the Finance Minister, it is only to take a decision in principle as to whether departmental proceedings ought to be initiated against the officer. Clause (11) deals with reference to CVC for second stage advice. In case of proposal for major penalties, the decision is to be taken by the Finance Minister. Similarly, under Clause (12) reconsideration of CVC's second stage advice is to be taken by the Finance Minister. All further proceedings including approval for referring the case to DoP&T, issuance of show-cause notice in case of disagreement with the enquiry officer's report; tentative decision after CVC's second stage advice on imposition of penalty; final decision of penalty and revision/review/memorial have to be taken by the Finance Minister.

50. In our opinion, the Central Administrative Tribunal as well as the High Court has correctly interpreted the provisions of Office Order No. 205 of 2005. Factually also, a perusal of the record would show that the file was put up to the Finance Minister by the Director General of Income Tax (Vigilance) seeking the approval of the Finance Minister for sanctioning prosecution against one officer and for initiation of major penalty proceeding under Rules 3(1)(a) and 3(1)(c) of the Central Civil Services (Conduct) Rules against the officers mentioned in the note which included the respondent herein. Ultimately, it appears that the



charge memo was not put up for approval by the Finance Minister. Therefore, it would not be possible to accept the submission of Ms Indira Jaising that the approval granted by the Finance Minister for initiation of departmental proceedings would also amount to approval of the charge memo.

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52. *In our opinion, the submission of the learned Additional Solicitor General is not factually correct. The primary submission of the respondent was that the charge-sheet not having been issued by the disciplinary authority is without authority of law and, therefore, non est in the eye of the law. This plea of the respondent has been accepted by CAT as also by the High Court. The action has been taken against the respondent in Rule 14(3) of the CCS (CCA) Rules which enjoins the disciplinary authority to draw up or cause to be drawn up the substance of imputation of misconduct or misbehaviour into definite and distinct articles of charges. 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. Undoubtedly, this Court in P.V. Srinivasa Sastry v. CAG [(1993) 1 SCC 419 : 1993 SCC (L&S) 206 : (1993) 23 ATC 645] has held that Article 311(1) does not say that even the departmental proceeding must be initiated only by the appointing authority. However, at the same time it is pointed out that: (SCC p. 422, para 4)*



“4. ... However, it is open to the Union of India or a State Government to make any rule prescribing that even the proceeding against any delinquent officer shall be initiated by an officer not subordinate to the appointing authority.”

It is further held that: (SCC p. 422, para 4)

“4. ... Any such rule shall not be inconsistent with Article 311 of the Constitution because it will amount to providing an additional safeguard or protection to the holders of a civil post.”

25. The similar issue was also raised in the case of ***State of Tamil Nadu Vs. Pramod Kumar (2018) 17 SCC 677***, where the submission advanced on behalf of the appellant that approval of the disciplinary authority for initiation of disciplinary proceeding was sufficient and there was no need for another approval for issuance of charge memo, for the reason that initiation of disciplinary proceeding and issuance of charge memo are at the same stage, was turned down and rejected in view of the judgment rendered in ***B.V. Gopinath*** (supra). The Court while rejecting the aforesaid contention also took notice of the settled law that if the rule requires something to be done in a particular manner, it should be done either in the same manner or not at all. In view of the mandatory requirement, as the charge memo being drawn up or caused to be drawn up by the disciplinary authority was not complied with, the Court found fault in the action of the appellant and affirmed the



judgment of the High Court.

26. Similar is the case where the Hon'ble Supreme Court in **Sunny Abraham** (supra), considering the identical issue in paragraph no. 15, has held as follows:

“15. The next question we shall address is as to whether there would be any difference in the position of law in this case vis-à-vis B.V. Gopinath [Union of India v. B.V. Gopinath, (2014) 1 SCC 351 : (2014) 1 SCC (L&S) 161] . In the latter authority, the charge memorandum without approval of the disciplinary authority was held to be non est in a concluded proceeding. The High Court has referred to the variants of the expression non est used in two legal phrases in the judgment under appeal. In the context of our jurisprudence, the term non est conveys the meaning of something treated to be not in existence because of some legal lacuna in the process of creation of the subject-instrument. It goes beyond a remediable irregularity. That is how the Coordinate Bench has construed the impact of not having approval of the disciplinary authority in issuing the charge memorandum. In the event a legal instrument is deemed to be not in existence, because of certain fundamental defect in its issuance, subsequent approval cannot revive its existence and ratify acts done in pursuance of such instrument, treating the same to be valid. The fact that initiation of proceeding received approval of the disciplinary authority could not lighten the obligation on the part of the employer (in this case the Union of India) in complying with the requirement of sub-clause (3) of Rule 14 of CCS (CCA), 1965. We have quoted the two relevant sub-clauses earlier in this judgment. Sub-clauses (2) and (3) of Rule 14 contemplates independent approval of the



disciplinary authority at both stages — for initiation of enquiry and also for drawing up or to cause to be drawn up the charge memorandum. In the event the requirement of sub-clause (2) is complied with, not having the approval at the time of issue of charge memorandum under sub-clause (3) would render the charge memorandum fundamentally defective, not capable of being validated retrospectively. What is non-existent in the eye of the law cannot be revived retrospectively. Life cannot be breathed into the stillborn charge memorandum. In our opinion, the approval for initiating disciplinary proceeding and approval to a charge memorandum are two divisible acts, each one requiring independent application of mind on the part of the disciplinary authority. If there is any default in the process of application of mind independently at the time of issue of charge memorandum by the disciplinary authority, the same would not get cured by the fact that such approval was there at the initial stage. This was the argument on behalf of the authorities in B.V. Gopinath.”

27. After carefully going through the aforementioned pronouncements, when this Court looks into the facts of the case, it is evident that the approval of the disciplinary authority was taken for initiation of the disciplinary proceeding, as also for issuance of the charge sheet and the appointment of Enquiry Officer and the Presenting Officer. However, from the records and the affidavit filed on behalf of the RPCAU, it is not in dispute that no approval was sought from the disciplinary authority at the time when charge memo was issued to the



delinquent officer.

28. Thus, the very mandate of the law, especially Rule 14(3)(b) of the Rules 1965, stands not complied with. Any action inconsistent with Article 311 of the Constitution of India would not only destroy the underlying protection guaranteed under Article 311(1) of the Constitution, such procedure would also do violence to the protective provisions contained under Article 311(2), which clearly mandates that no public servant is dismissed, removed, or suspended without following a fair procedure in which he has been given a reasonable opportunity to meet the allegations contained in the charge sheet. There is no hesitation for this Court to accept the contention that the approval for initiation of departmental proceeding by the Board of Management in its meeting dated 06.12.2023 in Agenda No. 21.8, who directed and authorized the Vice-Chancellor for approving the appointment of an Enquiry Officer and Presenting Officer, besides issuance of charge sheet, taking day-to-day decision relating with the inquiry proceeding, and submitting the inquiry reports to the Board of Management for a taking decision. However, the same would not abdicate the Board of Management to accord approval of the memo of charge before it is issued and served upon the delinquent. Such action does not



stand on the touchstone of fairness as contemplated under Rule 14(3)(b) of CCS (CCA) Rules, 1965, as also the mandate of Article 311(1) and (2) of the Constitution of India.

29. Accordingly, this Court is left with no option but to set aside all further proceedings in the departmental proceedings against the petitioners including the issuance of the charge memo, as well as the inquiry report dated 02.02.2026 (Annexure P/27/1 to the writ application). However, the Disciplinary Authority shall be at liberty to issue a fresh charge memo after obtaining the requisite approval of the Board of Management, in accordance with law.

30. With the aforesaid observations, both the writ petitions stand allowed.

31. The Office is directed to hand over the record in relation to departmental proceeding of the petitioners to the learned Advocate-on-record, who appears for Dr. Rajendra Prasad Central Agricultural University.

32. The parties shall bear their own costs.

(Harish Kumar, J)

Anjani/-

AFR/NAFR	
CAV DATE	
Uploading Date	01.10.2026
Transmission Date	

