



2024:CGHC:42802-DB

AFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**Judgment Reserved on 15.10.2024****Judgment Delivered on 05.11.2024****WA No. 320 of 2024**

Professor N.D.R. Chandra S/o Late Shri Dhansai Chandra Aged About 64 Years Ex-Vice Chancellor, Bastar Vishwavidyalaya, Jagdalpur, R/o B-19, Central Avenue, Smriti Nagar, Durg, Chhattisgarh.....(Petitioner)

... Appellant**versus**

1 - State Of Chhattisgarh Through Principal Secretary, Department Of Higher Education Mantralaya, Mahanadi Bhawan, Naya Raipur, Chhattisgarh.....(Respondent No.1)

2 - Chancellor Bastar Vishwavidyalaya (A State University Under C G Vishwavidyalaya Adhiniyam, 1973) Raj Bhawean, Raipur, District-Raipur, Chhattisgarh.....(Respondent No.2)

3 - Commissioner Bastar Division, Jagdalpur, District Bastar, Chhattisgarh, District- Bastar (Jagdalpur), Chhattisgarh.....
(Respondent No.3)

4 - Dr. Shailendra Kumar Singh Former Professor, School Of Studies In

Statistics, Pt. Ravishankar Shukla University, Raipur, Chhattisgarh,
District- Raipur, Chhattisgarh.

... Respondents

| | |
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| For Appellant. | : Shri Kishore Bhaduri, Senior Advocate along with Shri Harishankar Patel, Shri Pankaj Singh & Shri Harsh Dave, Advocates. |
| For Respondent/State | : Shri Yashwant Singh Thakur, Additional Advocate General. |
| For Respondent no. 2 | : Shri Neeraj Choubey, Advocate. |

**Hon'ble Shri Ramesh Sinha, Chief Justice and
Hon'ble Shri Bibhu Datta Guru, Judge**

C.A.V. Judgment

Per Bibhu Datta Guru, J.

1. The appellant/writ petitioner herein is questioning the order dated 10.05.2024 passed by the learned Single Judge in WP (S) No. 5500/2016, the writ petition was filed by the Ex- Vice Chancellor Bastar Vishwavidyala Jagadalpur to challenge the notification dated 21-9-2016, by which the State of Chhattisgarh, in exercise of power conferred under Section 52 (1) of the Chhattisgarh Vishwavidyalaya Adhiniyam, 1973 (for short, "the Act, 1973"), has applied the provisions of Sections 13, 14, 23 to 25, 40, 47, 48, 54, and 68 as per the modifications specified in the 3rd Schedule of the Act, 1973 from the date of publication of the notification. The petitioner has also challenged the notification dated 23-9-2016 (Annexure P/2) by which the Kuladhipati has removed the petitioner from the post of Kulapati of Bastar. Vishwavidyalaya, Jagdalpur, with immediate

effect. The petitioner has also challenged the notification dated 23-9-2016 (Annexure P/3) by which the State Government appointed the Commissioner of Bastar Division, Jagdalpur, as Kulpati of Bastar Vishwavidyalaya with immediate effect. The petitioner has also challenged the order dated 2-9-2015 (Annexure P/4) by which the Secretary of the Department of Higher Education constituted a committee to conduct an inquiry regarding the complaint made about the appointment of teaching staff in March 2015 by the Vice-Chancellor of Bastar Vishwavidyalaya. By way of amendment, the petitioner had also challenged the appointment of the Kulapati of the University by notification dated 24-8-2017 vide (Annexure P/21).

2. The brief fact of the case of the petitioner is that the petitioner was appointed as Professor of English in Nagaland University, Kohima. Subsequently, the petitioner was appointed as Vice Chancellor of Bastar University by the Chancellor of the State University and His Excellency Hon'ble the Governor of State of Chhattisgarh on 25-1-2013. Since 2013 from the date of his initial appointment as Vice Chancellor of Bastar University, Jagdalpur, the petitioner had faced many problems including various undisciplined conducts and irregularities committed by the then Registrar of Bastar University, and for which he had brought to the kind notice of respondent No.1 and respondent No.2 and also apprised them from time to time about such incidents which took place in the University. Thereafter, all of a sudden, respondent No.1 on 2-9-2015 constituted a Two-members Enquiry Committee to enquire about the alleged

irregularities committed by the petitioner.

- 3.** The Commissioner Bastar Division being convener of the Enquiry Committee issued a letter dated 2-9-2015 to the petitioner directing him to submit the written statement with proof. In response to the letter dated 2-9-2015, the petitioner submitted its reply on 8-9-2015 wherein he has raised objection about constitution, authority and jurisdiction of the Enquiry Committee and also objected for not affording proper opportunity of hearing and prayed for supply of documents which have been placed before the Committee. It has also been contended that the respondents No.3 & 4/Convener and the member of the Enquiry Committee are not only juniors in rank to the petitioner but also in the status, as both are the Principals of Government Colleges whereas the petitioner is working as Vice Chancellor of the Bastar University, as such they have no authority to call upon about the affairs of the Vice Chancellor. On merit, it has also been contended that, the recruitment was done in a confidential manner and since then none of the qualified applicants has ever lodged any complaint against the process of recruitment, therefore, the said enquiry is uncalled for. It has also been stated that there are some allegations against the petitioner made by one Mr. Jairam Das, the then Registrar of University. It is also alleged that the Registrar has been filtering the internal and confidential matters to Mr. Jairam Das and media. All are working in nexus with the media persons. It has also been contended that the petitioner has also made a representation on 29-10-2015 (Annexure P/8) to the

Chancellor of the University for his kind intervention in the matter and also submitted various complaints with regard to certain irregularities committed by the then Registrar to the Chancellor on 18-7-2014 and the Secretary, Government of Chhattisgarh, Department of Higher Education Raipur. The petitioner has also submitted complaints on 6.4-2015, 4-9-2015, 27-5-2016 and 11-7-2016 to several authorities, but the same have not given effect.

4. The petitioner has submitted a reply to the show cause notice dated 26-4-2016 wherein he has asked for supply of enquiry report along with the annexures to enable him to submit reply within stipulated time period. However, the request of supply of documents was rejected and he was directed to submit the reply within stipulated time period. Without supplying the material and enquiry report, he was compelled to file reply to the show cause notice dated 25-4-2016, which has been submitted by the petitioner on 04-05-2016 by reiterating the fact that no documents or enquiry report have been provided to the petitioner and prayed for supply of the same and thereafter he submitted reply to the show cause notice on 05.05.2016. Along with the reply, the petitioner has submitted documents related to appointment of teaching staffs, calling them for interview, reply related to book purchase for library, regarding purchase of envelop, regarding construction of building, qualification and also annexed ordinance and conduct rules. Thereafter, the petitioner has also made a representation dated 7-6-2016 (Annexures P/17 and 16) reiterating non-supply of the enquiry

report. It has also been contended that the petitioner has also sought these documents under the Right to Information Act on 06.05.2016, 27.05.2016, 07.06.2016 which have been replied on 26.05.2016, 17.06.2016 contending that the files are pending before the higher authority and when it will be returned back, the documents will be given to him but without supplying the said documents, (Annexure P/1) dated 21.09.2016 applying the certain procedure of Act, 1973, notification dated 23.09.2016 (Annexure P/2) removing the petitioner from the post of Vice Chancellor of the University and notification dated 23.09.2016 (Annexure P/3) appointing the Commissioner of the Bastar Division, Jagdalpur as Kulpati of the said University was issued and all these notifications are challenged by the petitioner in the writ petition.

5. The Respondent no. 1 to 5 filed their return and contended that the respondent/State constituted Two member Enquiry Committee who were senior most officers of the Higher Education Department and they are principal of Post Graduate Colleges to inquire against the various allegations levelled against the petitioner. Said committee conducted enquiry and recorded statement of the petitioner along with relevant persons in the matter and submitted it report on 10.09.2015 to the Secretary Higher Education. On the basis of the enquiry report a show cause notice was issued to the petitioner on 25.04.2016 asking him to explain the various irregularities. On 08.12.2015 the Chancellor/his Excellency the Governor based on complaint and reports recommends to the Chief Secretary to

proceed in accordance with the provision of Section 51 & 52 of Chhattisgarh Viswavidyalaya Adhiniyam 1973, vide (Annexure R/6) and on the basis of the said recommendation on 25.04.2016 a show cause notice issued to the petitioner by the Department of Higher Education asking him to explain the various irregularities and other act done contrary to rule while performing his duties as Vice Chancellor of Bastar University. The committee in its report has found various irregularities wrongful acts done by the petitioner including violation of terms and conditions laid down in the advertisement for recruitment of teachers in the University and also including the members in the Scrutiny Committee who were themselves aspirants for the teaching post in the University. The committee has also found financial irregularities committed by the petitioner including non-compliance of prevalent store purchase rules, over spending beyond budget provision in the matter of library book purchase and construction work etc. The petitioner has submitted his explanation which was not found satisfactory. It is also been contended that even after transfer of the then Registrar of the University there was no improvement in overall administrative and academic atmosphere of the university rather deteriorated further so much, so that the State has to invoke the provision of Section 52 of the Act 1973 for the purpose of creating healthy academic and administrative atmosphere in the University.

6. Learned Single Judge by examining the pleading, argument of counsel appearing for the petitioners and respondents and records,

passed the order dated 10.05.2024 in the writ petition observing that from the provision of Section 52 of the Act, 1973, it is quite vivid that the satisfaction can be arrived at by the State while invoking the provisions of Section 52, the State Government on receipt of a report or otherwise, is satisfied that a situation has arisen in which the administration of the University cannot be carried out in accordance with the provisions of the Act which clearly indicates that situation has to be satisfied by the State Government and what will be satisfaction, it is for the State to record its finding whether the State was satisfied with the material placed before it. The record of the case would also reflect that the Secretary to His Excellency the Governor has also forwarded the entire enquiry report and on the basis of the report, His Excellency the Governor has directed the State Government to examine the matter on 27.11.2015 with sincerity and if it is found that there was mismanagement of the University and financial irregularities causing dis-reputation of institution, administration arrangements and financial implications are not preserved, the State Government may proceed as per Sections 51 and 52 of the Act, 1973 and thereafter sent another letter dated 21-3-2016 wherein His Excellency the Governor has asked the State Government to inform what action they have taken in pursuance of the earlier letter issued by the office of His Excellency the Governor. This exercise clearly demonstrates that the State Government was satisfied that the situation has arisen in which the administration of the University cannot be carried with

in accordance with the provisions of the Act, 1973. There was material for recording of satisfaction with the State and what will be the satisfaction of the State Government is subjective satisfaction and cannot be reassessed by this Court while exercising its power under Article 226 of the Constitution of India. Learned Single Judge has referred para 214 and 216 of the judgment of the Hon'ble Supreme Court in the matter of ***S.B. Bommai vs. Union of India, reported in 1994 (3) SCC 1***, Where Supreme Court has examined the provision of Article 356 of the Constitution of India, examined the issue of subjective satisfaction of his Excellency the President of India. Where Hon'ble Supreme Court observed that to test the satisfaction reached by the President there is no satisfactory criteria for judicially discoverable and manageable standards that what grounds prevailed with the President to reach his subjective satisfaction and the writ petition filed by the petitioner is dismissed by the learned Single Judge.

7. Learned Senior Counsel for the petitioner argued that before issuing the impugned notification dated 23.09.2016 under Sections 13, 14 & 52 (3) of the Act 1973, the respondent no. 2 neither recorded any satisfaction nor provided any reasons for reaching the conclusion to issue the notification, Furthermore, the petitioner was not afforded any opportunity of hearing under the provisions of Section 14(4) of the Act of 1973. In his personal and official capacity as an employer of the Vice-chancellor; the Chancellor of Bastar University did not prepare any proper and judicious report considering the pros-cons

of the both the reports and submissions of the petitioner. He further argued that before taking action against the Vice Chancellor, the State should request to Kuladhipati to conduct enquiry. Whereas, in the present case also the State has conducted enquiry and they have sent the report to His Excellency the Governor. Thus, there is a procedural lapses which has not been considered by learned Single Judge. He further submits that respondent/State resorted to Section 52 of the Act 1973 solely to depose the petitioner of his position. The application of Section 52 of the Act, 1973 is against the judgment of Hon'ble High Court of Madhya Pradesh in case of ***Prof. Narendra Kumar Gouraha vs. State of MP, reported in AIR 1999 MP 122*** and submit that there is difference between Section, 52 and 14 of the Act, 1973 and two distinct actions contemplated one against the misdeeds and misconduct of the Vice Chancellor for his removal and the other of invoking emergency provisions under Section 52 against the University as a whole. He has also referred to the judgment of Hon'ble Supreme Court in case of ***Dr. Umrao Singh Choudhary vs. State of MP, reported in (1994) 4 SCC 328*** and would submit that the State has invoked the drastic provision contained in Section 52 of the Act, 1973, in absence of any report from Kuladhipati/Chancellor which is a pre-requisite and an embargo is created in the provision itself. He further submits that, Chancellor being the Governor of the State of Chhattisgarh and the top- most functionary of the University in terms of Section 11 read with Section 12 of the Act, 1973 had not expressed any

opinion in respect to the present cause or submitted any report to respondent State in the said transaction. He would further submit that in terms of Section 10, power of causing inspection into the affairs of the University vested with the Chancellor and admittedly no inspection of whatever nature was never conducted by the Chancellor or on the instructions of Chancellor in relation to the present subject, as such he would submit that exercise of power under emergency clause, deserves to be quashed by this Court.

- 8.** Learned Additional Advocate General appearing for the State and Shri Neeraj Choubey, learned counsel for the respondent no. 2 submits that before invoking exigency Clause under Section 52 of the Act 1973 the State has adopted the procedure prescribed under the Act 1973 and due care has been taken to reach to the conclusion that such situation exist in Bastar University as such. Vide Annexure R/6 his Excellency the Governor/ Respondent no. 2 based on complaints and reports recommends to the Chief Secretary to proceed in accordance with the provision of Section 51 & 52 of the Act 1973 and the State Government was justified in invoking Section 52 of the Act 1973 and there is no illegality in invoking the provision of Section 52 of the Act 1973 and even there is no lapse of any procedure as enumerated in Section 52 of the Act 1973.
- 9.** We have heard learned counsel for the parties and perused the record of the writ petition as well as the original record produced by the State which was directed to be produce on 26.09.2024 and the

impugned order passed by the learned Single Judge.

- 10.** The main grievance and contention of the petitioner/appellant is that the State Government was not justified in invoking Section 52 of the Act 1973 by ignoring the provisions contained in Section 14(3) which provides mechanism for relinquishment of the Office of Vice-Chancellor by following procedure as provided in Section 14(4) of the Act 1973. The impugned notification was issued without providing reasonable opportunity of hearing to show cause notice. For proper appreciation of the issue involved in the writ appeal it will be appropriate to extract Section 52 of the Act 1973 which reads as under:

“52. Powers of State Government to Apply Act in modified form with a view to provide better administration of University in Certain circumstances

(1) If the State Government on receipt of a report or otherwise, is satisfied that a situation has arisen in which the administration of the University can not be carried out in accordance with the provisions of the Act, without detriment to the interests of the University and it is expedient in the interest of the University so to do, it may by notification, for reasons to be mentioned therein, direct that the provisions of section 13, 14, 20 to 25, 40, 47, 48, 54 and shall as from the date specified in the notification (hereinafter in this section referred to as the appointed date), apply to the University subject to modifications specified in the Third Schedule.

(2) The notification issued under sub-section (1) (hereinafter referred to as the notification) shall remain in operation for a period of one year from the appointed date

and the State Government may, from time to time, extend the period by such further period as it may think fit so however that the total period of operation of the notification does not exceed three years.

(3) The Kuladhipati shall simultaneously with the issue of the notification, appoint the Kulapati under section 13 and 14 as modified and the Kulapati so appointed shall hold office during the period of operation of the notification Provided that the Kulapati may, notwithstanding the expiration of the period of operation of the notification, continue to hold office thereafter until his successor enters upon office but this period shall not exceed one year.

(4) As from the appointed date, the following consequences shall ensue, namely;

i) during the period of operation of the notification this Act shall have effect subject to the modification specified in the Third Schedule;

(ii) the Kulapati, holding office immediately before the appointed date, shall notwithstanding that his term of office has not expired, vacate his office;

(iii) every person holding office as a member of the Court, the Executive or the Academic Council, as the case may be, immediately before the appointed date shall cease to hold that office; (iv) the student representatives of the University on the student consultative committee under clause (i) of sub-section (i) of section 54 immediately before the appointed date shall cease to be members of the said committee; (v) until the Court, executive Council or academic Council, as the case may be, is reconstituted in accordance with the provisions as modified, the Kulapati appointed under section 13 and 14 as modified shall exercise the powers and perform the duties conferred or imposed by or under this Act, on the Court.

the Executive Council or Academic Council :

Provided that the Kuladhipati may, if he considers it necessary so to do appoint a committee consisting of an educationist, an administrative expert and a financial expert to assist the Kulapati so appointed in exercise of such powers and performance of such duties

(5) Before the expiration of the period of operation of the notification or immediately as early as practicable, thereafter, the Kulapati shall take steps to constitute the Court, Executive Council and Academic Council in accordance with the provisions of the Act, as unmodified and the Court, Executive Council and Academic Council as so constituted shall begin to function on the date immediately following the date of expiry if the period of operation of the notification of the date on which the respective bodies are so constituted whichever is later:

Provided that if the Court, Executive Council and Academic Council are not constituted before the expiration of the period of operation of the notification, the Kulapati shall on such expiration, exercise the powers of each of these authorities subject to prior approval of the Kuladhipati till the Court Executive Council or Academic Council or as the case may be, is so constituted.”

- 11.** Now reverting back to fact of the case, it will be appropriate to record some date and events which reads as under :

| Date | Event | Annexure |
|-------------|---|-----------------|
| 02/09/2015 | Secretary, Department of Higher Education, constitutes 2 member committee to conduct enquiry into complaints made regarding affair's of the Bastar University | P-4 |
| 02/09/2015 | Enquiry committee issued letter to the | P-6 |

| | | |
|------------|---|----------------|
| | petitioner directing him to submit written statement with proof. | |
| 08/09/2015 | In response to letter dated 02/09/2015, the petitioner submits his reply. | P-7 |
| 10/09/2015 | The enquiry committee submits report to the Secretary Higher Education, wherein the petitioner was found guilty for various irregularities. | |
| 08/12/2015 | His Excellency the Governor based on complaints and reports recommends to the Chief Secretary to proceed in accordance with the provisions of Section 51 and 52 of Chhattisgarh Vishwavidyalaya Adhiniyam 1973 | R-6 |
| 25/04/2016 | Show cause notice based on report dated 10/09/2015 issued to the petitioner, by Department of Higher Education, asking him to explain various irregularities and other acts done contrary to rules while performing duties as Vice Chancellor of Bastar University. | P -10 R - 7 |
| 05/05/2016 | Petitioner submits reply to show cause notice. | P -15 R -8 |
| 27/05/2016 | 4 member committee constituted by Principal Secretary Department of Higher Education to examine the reply of the petitioner on merits in pursuance to notice dated 25/04/2016 | |
| 30/05/2016 | 4 member committee submits report to the Principal Secretary Department of Higher Education. | R-2 |
| 21/09/2016 | Government of Chhattisgarh, Department of Higher Education issues | P-1 |

| | | |
|------------|---|------------|
| | Notification in exercise of the powers conferred by sub section (1) of Section 52 of the Chhattisgarh Vishwavidyalaya Adhiniyam 1973. | |
| 22/09/2016 | Government proposes removal of Vice Chancellor (petitioner) and appointment of Commissioner Bastar as Vice Chancellor Bastar University to His excellency the Governor. The Governor records his opinion. | Note Sheet |
| 23/09/2016 | His Excellency the Governor issues Notification in exercise of powers conferred under modified section 13 and 14 read with section 52 (3) of the Chhattisgarh Vishwavidyalaya Adhiniyam 1973, removing the petitioner from the office of Kulpati of Bastar Vishwavidyalaya. | |
| 23/09/2016 | His Excellency the Governor issued Notification in exercise of powers conferred under modified section 13 and 14 read with section 52 (3) of the Chhattisgarh Vishwavidyalaya Adhiniyam 1973, appoints Commissioner Bastar as Kulpati of Bastar Vishwavidyalaya. | P-3 |

12. It appears from the aforesaid dates and events and records, that the Secretary to his Excellency Governor has forwarded the entire enquiry report and on the basis of the report, His Excellency the Governor has directed the State Government to examine the matter with sincerity and if it is found that there was mismanagement of the

university and financial irregularities causing dis-reputation of institution administration, arrangements and financial implications are not preserved, the State Government may proceed as per Section 51 & 52 of the Act 1973 and again on 21.03.2016 his Excellency the Governor has asked the state to inform what action they have taken in pursuance of the earlier letter issued by the office of his Excellency the Governor and the aforesaid exercise clearly demonstrates that the State Government was satisfied that the situation has arisen in which the administration of the University cannot be carried out in accordance with the provisions of the Act 1973. There were materials for recording of satisfaction with the State and what will be the satisfaction of the State Government is subjective satisfaction and cannot be reassessed by this Court while exercising its power under Article 226 of the Constitution of India. Hon'ble the Supreme Court while examining the provisions under Article 356 of the Constitution of India has examined the issue of subjective satisfaction of His Excellency the President of India in case of ***S.B. Bommai vs. Union of India, reported in 1994 (3) SCC 1*** wherein the Hon'ble Supreme Court has held in para 214 and 216 as under:-

"214. The satisfaction of the President that a President that a situation has arisen in which the Government of the State cannot be carried out in accordance with the provisions of the Constitution is founded normally upon the report from the Governor or any other information which the President has in possession, in other words,

"the Council of Ministers", "the President" reached a satisfaction. Normally, the report of the Governor would form basis. It is already stated that the Governor's report should contain material facts relevant to the satisfaction reached by the President. In an appropriate case where the Governor was not inclined to report to the President of the prevailing situation contemplated by Article 356, the President may otherwise have information through accredited channels of communications and have it in their custody and on consideration of which the President would reach a satisfaction that a situation has arisen in which the Government of a State cannot be carried on in accordance with the provisions.

216. To test the satisfaction reached by the President there is no satisfactory criteria for judicially discoverable and manageable standards that what grounds prevailed with the President to reach his subjective satisfaction. There may be diverse, varied and variegated considerations for the President to reach the satisfaction. The question of satisfaction is basically a political one, practically it is an impossible question to adjudicate on any judicially manageable standards. Obviously the Founding Fathers entrusted that power to the highest executive, the President of India, with the aid and advice of the Council of Ministers. The satisfaction of the President being subjective, it is not judicially discoverable by any manageable standards and the court would not substitute their own satisfaction for that of the President. The President's satisfaction would be the result of his comprehending in his own way the facts and circumstances relevant to the satisfaction that the Government of the State cannot be

carried on in accordance with the provisions of the Constitution. There may be wide range of situations and sometimes may not be enumerated, nor can there be any satisfactory criteria, but on a conspectus of the facts and circumstances the President may reach the satisfaction that the Government of the State cannot be carried on in accordance with the provisions of the Constitution. Therefore, the subjective satisfaction is not justiciable on any judicially manageable standards. Moreover, the executive decision of the President receives the flavour of the legislative approval after both Houses of Parliament have approved the Proclamation and executive satisfaction ceases to be relevant. Article 100 of the Constitution protects the parliamentary approval from assailment on any ground. The judicial review becomes unavailable. That apart a writ petition under Article 226, if is maintainable to question the satisfaction, equally a declaration that a situation has arisen in the State to clamp emergency or to declare President's rule by judicial order is permissible and cannot be wished away. Could it be done."

13. In the matter of ***Dr. Umrao Singh Choudhary vs. State of MP, reported in (1994) 4 SCC 328***, it has been observed by the Hon'ble Supreme Court that Section 14 of the Act engrafts an elaborate procedure to conduct an enquiry against the Vice-Chancellor and after giving reasonable opportunity to take action thereon for his removal from the office. Section 52 engrafts an exception thereto the condition precedent however, is that the State Government should be satisfied, obviously on objective consideration of the material relevant to the issue, as on record that

the administration of the University cannot be carried in accordance with the provision of the Act, without detriment to the interest of the university and that it is expedient in the interest of the University and for proper administration thereof, to apply in a modified form excluding the application of Section 13 & 14 etc and to issue the notification under Section 52(1).

14. Hon'ble Supreme Court also observed that the Statute gives power to the State Government. The Governor exercised his power with the aid and advice of the Council of Ministers in issuing notification under Section 52. Therefore, though it was statutory notification, the condition precedent is that, the State Government should be satisfied, on objective consideration of the material relevant to the issue as on record that, the situation had arisen in which the administration of the University could not be carried on in accordance with the provision of the Adhinyam and for better administration, whereof and to prevent the detriment to the university , the State Government issued the notification "for the reasons mentioned therein" and directed the provision mentioned therein under Section 13 & 14 shall not apply.

15. Considering the aforesaid observation of the Supreme Court and the fact of the case, we are of the opinion that there is no judicially laid criteria of standards to test the satisfaction reached by the Governor and to ascertain as to on what grounds the subjective satisfaction of the Governor was reached. Hence, learned Single Judge has rightly observed that there was material for recording of

satisfaction with the State and what will be the satisfaction of the State Government is subjective satisfaction and that cannot be reassessed by this Court while exercising its power under Article 226 of the Constitution of India. Learned Single Judge has rightly observed that respondent no. 2 his Excellency the Governor issues the notification in exercise of power conferred under Section 52(3) of the Chhattisgarh Vishwavidyala Adhiniyam 1973 to remove the petitioner from the office of Kulpati of Bastar Vishwavidyala. we do not find any illegality and infirmity in the impugned order passed by the learned Single Judge.

16. The writ appeal fails and is accordingly, dismissed.

Sd/-

**(Bibhu Datta Guru)
Judge**

Sd/-

**(Ramesh Sinha)
Chief Justice**

HEAD NOTE:-

“There is no judicially laid criteria of standards to test the satisfaction reached by the Governor and to ascertain as to on what grounds the subjective satisfaction of the Governor was reached.”

“राज्यपाल को हुए समाधान का परीक्षण करने तथा यह अभिनिश्चय करने के लिए कि किस आधार पर राज्यपाल को व्यक्तिपरक समाधान हुआ था, मानकों का कोई न्यायिक रूप से निर्धारित मानदंड नहीं है।”