



THE HIGH COURT OF SIKKIM : GANGTOK
(Civil Jurisdiction)

Dated : 21st September, 2023

SINGLE BENCH : THE HON'BLE MRS. JUSTICE MEENAKSHI MADAN RAI, JUDGE

Cont. Cas(C) No.04 of 2021

Petitioner : Silajit Guha

versus

Respondent : Prof. Avinash Khare and Others

Application under Section 12 of the
Contempt of Courts Act, 1971

Appearance

Mr. Ranjit Prasad, Advocate for the Petitioner.

Mr. Karma Thinlay Bhutia, Senior Advocate with Mr. K. T. Gyatso
and Mr. Yashir N. Tamang, Advocates for the Respondents.

ORDER (ORAL)

Meenakshi Madan Rai, J.

1. I.As No.05 and 06 of 2023 are applications filed by the Respondent No.1, Professor Avinash Khare, Vice Chancellor and Chairperson, Executive Council, Sikkim University, praying that the matter be disposed of in view of the fact that the personal hearing of the Petitioner before the Executive Council has taken place and an Order dated 12-09-2023 in this context has been issued.
2. I.A. No.08 of 2023 is also an application filed for and on behalf of the Respondents, placing on record the authorization issued by each of them in favour of the Respondent No.1, to file the application dated 15-09-2023 and praying that the matter be disposed of in view of the Order dated 12-09-2023.
3. It is submitted by Learned Senior Counsel for the Respondents that in compliance to the Order dated 16-06-2023 of this Court, the Petitioner was afforded personal hearing on 14-07-2023 wherein he entered personal appearance and ample opportunity was afforded to him to present his version before the



Executive Council for more than 3 (three) hours. After the personal hearing, the Executive Council had reduced the major penalty imposed on the Petitioner of removal from service to that of reduction to lower grade of Associate Professor for 7 (seven) years, which shall be a bar to his promotion to the grade of Professor during the specified period. That, on promotion on the expiry of the said 7 (seven) years, the period of reduction shall not operate to postpone future increments of his pay and that he shall regain his original seniority in the higher grade from the date of restoration.

4. Considered the submissions, along with the above applications.

5. An application has been filed by the Petitioner being I.A. No.07 of 2023, seeking withdrawal of the instant Contempt Petition on grounds *inter alia* that on 12-09-2023 he has received an Order reducing his penalty. Learned Counsel for the Petitioner submits that in view of the settlement, the Petitioner does not seek to pursue the matter as Orders of this Court have been duly complied with. That, the Petitioner also accepts the conditions and directions as given in the Order dated 12-09-2023 of the Executive Council, Sikkim University.

6. Considered the developments detailed in the I.As *supra*. In view of the submissions put forth, all the I.As are accepted.

7. Cont. Cas(C) No.04 of 2021 accordingly stands disposed of as withdrawn.

8. Pending applications also stand disposed of.

(Meenakshi Madan Rai)

Judge

21-09-2023