

LOKPAL OF INDIA
Plot No.6, Institutional Area, Phase-II
Vasant Kunj, New Delhi - 110070

Complaint No. : 141/2023

Date : 10 January, 2024.

Coram : **Justice Abhilasha Kumari**
Judicial Member

Smt. Archana Ramasundaram
Member

Shri Mahender Singh
Member

JUDGEMENT

The complaint is against the Principal of College of Vocational Studies (CVS), University of Delhi. The complaint pertains to alleged irregularities in the functioning of the library and embezzlement of funds by the Principal. It has been informed that a Committee was constituted under the Chairmanship of Justice (Retd.) Dhingra to enquire into the allegations. The Committee is reported to have recommended action against the Principal and other accused persons but no action has been taken on these recommendations. Another Committee was appointed to enquire into these allegations under the Chairmanship of Justice (Retd.) Gaur with an ex-Director of Enforcement Directorate as its Member, but this Committee was not allowed to complete its work and was disbanded midway by the Chairman, who was allegedly sparing no efforts to protect the Principal. It has been informed in the complaint that the Principal was sent on forced leave, but the current Chairman has reinstated him on the basis of "legal opinion" drawn up by a lawyer, who has been appointed by the Chairman himself.

2. It has been stated in the complaint that the Principal and Chairman are in league with each other in their illegal activities and want to complete the recruitment process of 106 teaching posts by corrupt means.

3. It has also been alleged that the Principal has withdrawn lakhs of rupees in cash through bearer's cheques from the college which has been mentioned in the Audit Report and was also enquired by Justice Gaur, but the Chairman is not acting on the report dated 04.10.2022.
4. Several other acts of omission and commission allegedly committed by the Principal and the current Chairman have been mentioned in the complaint.
5. After carefully considering the contents of the complaint, the Full Bench of the Lokpal directed that the complaint may be referred to the CVC for submitting a Status Report including the status of court cases mentioned in the complaint, within a period of six weeks i.e. by 31.08.2023.
6. After seeking extension of time for submitting the report, the CVC, vide O.M. dated 12.09.2023, has submitted the Status Report, enclosing therewith O.M. dated 12.09.2023 of the Ministry of Education, letter dated 29.08.2023 of the University of Delhi and report dated 24.08.2023 of the College of Vocational Studies, University of Delhi. The CVC has also informed that the CVO, Ministry of Education, had submitted the Status Report signed by the Chairman, Governing Body of the College of Vocational Studies and the summary of the Status Report signed by the CVO, University of Delhi vide letter dated 12.09.2023. This Status Report was examined by the CVC and certain deficiencies were observed. The Ministry of Education was advised vide CVC O.M. dated 22.09.2023, to submit an updated Status Report regarding the points not covered in the earlier report. The same was complied with by the Ministry of Education and the updated Status Report has been submitted, which is now under consideration by this Division Bench.
7. We have carefully gone through the above-mentioned correspondences of the CVC, Ministry of Education, University of Delhi and CVS, University of Delhi. After considering the contents of these reports, our observations are as follows:-



- (i) The O.M. dated 12.12.2023 of the CVC, O.M. dated 12.09.2023 of the Ministry of Education and letter dated 29.08.2023 of the University of Delhi, are based on the detailed Status Report dated 24.08.2023, signed by Prof. Sangit Ragi, Chairman, Governing Body, CVS, University of Delhi, Sheikh Sarai, New Delhi-110017. Interestingly, several allegations have been levelled against Prof. Sangit Ragi, Chairman, Governing Body, CVS, himself, including that after taking over as Chairman, Governing Body of CVS, he has spared no efforts to protect the Principal against whom allegations of irregularities in the functioning of the library and embezzlement of funds have been levelled in the complaint. It, therefore, appears that the Chairman, Governing Body, CVS, is a judge in his own case, thus raising serious doubts about the impartiality, fairness and genuineness of the Status Report submitted by him and relied upon by other agencies mentioned hereinabove.
- (ii) The Dhingra Committee was constituted under the Chairmanship of Justice Dhingra (Retd.) to enquire into the alleged irregularities in the functioning of the library and embezzlement of funds by the Principal of CVS. Justice Dhingra (Retd.) submitted his report on the library's functioning and other irregularities from financial year April, 2010 to March, 2020. In the report, Justice Dhingra (Retd.), *inter alia*, held the Principal of the college responsible for malfunctioning and corruption in the CVS library and for protecting the corrupt officers. The report also recommended action against Professional Assistant, Semi-Professional Assistant, Librarian, AO and the Principal of the college. It has been informed in the Status Report of the CVS that "*there are contradictions and inconsistencies in the Dhingra Committee report which are evident on pages such as Page No.8, 9, 12, 15, 19, 23, 25, 32, 33, 34 and 35 of the report. Therefore, the same was not relied upon.*" From the perusal of the Dhingra Committee report, especially of the pages mentioned in the

Status Report, the alleged contradictions and inconsistencies are not forthcoming. It has neither been explained in the Status Report as to who was authorised to critically examine the Dhingra Committee report, nor what are these contradictions and inconsistencies making the report unreliable. The summary rejection of the Dhingra Committee report in a brusque manner, saying that there are contradictions and inconsistencies, without any explanation or elaboration, raises serious doubts about the fairness of the action taken by the Chairman, Governing Body, CVS. The *locus standi* of those persons who are trying to undermine the said report is also questionable.

- (iii) Pending enquiry, the Principal was directed to proceed on leave on 07.01.2022 after getting approval from the competent authority of the University of Delhi. He was reinstated by a decision of the Governing Body on 27.10.2022 when it was decided:-

“pursuant to the decisions of the last emergency meeting of the Governing Body held on 08.10.2022, the legal opinion was sought from the University in matter related to Prof. Inderjeet Dagar. The University informed the college to seek legal opinion from the lawyer/firm empanelled with the University. Accordingly, the legal opinion was sought and the same was placed before the Governing Body in an emergency meeting held on 27.10.2022. The Governing Body decided to go with the legal opinion reinstating Prof. Inderjeet Dagar with pending inquiry. The Governing Body also decided to caution Prof. Inderjeet Dagar not to interfere with the processing of inquiry committee failing which stern action will be taken against him.”

It has been informed that the decision to reinstate the Principal was taken by the Governing Body and not by the Chairman. It has, however, not been explained as to what was the emergency to hold

an 'emergency meeting' of the Governing Body on 27.10.2022. Secondly, the Principal has been reinstated on the basis of a decision taken by the Governing Body of the CVS. Interestingly, he was directed to proceed on leave, in the first instance, on the basis of order of the Governing Body itself, albeit under a different Chairman. It, therefore, raises a very pertinent question of law whether the same Body which had directed the Principal to proceed on leave was empowered to reinstate him saying that "*the three-member committee and the then Governing Body wrongly sent the Principal on forced leave in terms of Clause 10 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965 since the said rule does not speak of sending a Government servant on forced leave pending inquiry or disciplinary proceedings.*" In normal circumstances, even if the decision taken by an authority is wrong or unlawful, the remedy lies with the higher/appellate authority and not with the same authority. But in this case, the same body i.e. Governing Body (under the current Chairman) has overturned the decision of the earlier Governing Body. The legality and fairness of the order dated 27.10.2022 of the Governing Body under the Chairmanship of Prof. Sangit Ragi, therefore, appears to be questionable.

- (iv) There appear to be efforts under the chairmanship of the new Chairman to put roadblocks in the functioning of the Gaur Committee. In the Governing Body meeting held on 30.12.2022/06.01.2023 under Item No.2022(6)11, it was decided:-

"the Governing Body decided to authorise the Chairman to look into the tenability and dissolving Justice Gaur Committee set up on library books after considering the legal opinion. The Governing Body further authorises the Chairman that he may appoint an Enquiry Officer after considering the legal opinion."

In the Governing Body meeting held on 13.03.2023, it was,

Contd....6/-



inter alia, decided “the Governing Body noted with serious concern the production of the covering letter of the inquiry committee report on audit written by Justice (Retd.) Sunil Gaur, Chairman, Inquiry Committee to the Chairman, Governing Body for the submission of its report on Enquiry on Audit Reports, by a member of the Governing Body. This amounted to violation of the confidentiality and secrecy code/ethics in the matter and raises a number of questions. And therefore, the Governing Body decided to seek legal opinion whether a new Enquiry Committee be set up to look into the library matter.”

- (v) Although in the above-mentioned two meetings of the Governing Body (which were held about one year ago), it was decided to take legal opinion, there appears to be no effort by the chairman to seek legal opinion or at least it is not forthcoming from the Status Report submitted by him and relied upon by other authorities. The issue of appointing a new Enquiry Committee after disbanding the Gaur Committee after taking legal opinion appears to be in limbo as the Chairman has not taken any action on this, despite a clear-cut decision of the Governing Body. This act of omission on the part of the Chairman Prof. Sangit Ragi lends credence to the allegation that he is actively protecting the Principal against whom allegations of irregularities and corruption have been levelled in the complaint.

8. Our above observations are only indicative (and not exhaustive) of the sorry state of affairs of the functioning of the Governing Body of the CVS and the overall functioning of the college. A deeper probe into the functioning of the college, including the affairs of the library, appears to be desirable to bring out the truth about the actual state of affairs, including the allegations of irregularities and embezzlement of funds levelled in the complaint as well as accountability and culpability (if any) of the Principal and other officials/functionaries of the college. However, much as we would have liked to proceed further in the case for taking the matter to its logical conclusion, we are hamstrung by the fact that the matter is *sub judice* before Hon'ble High

Court of Delhi. In his affidavit in Part-D of the complaint, the complainant has informed that *“there are three petitions pending in the High Court of Delhi by other teachers related to teaching roster and non-delivery of charge sheet to the Principal.”* It has been informed in the Status Report of the CVS that Writ Petition (C) No.16109/2022 has been filed in the Hon’ble High Court of Delhi on the issue of re-joining of the college principal and library issues, etc. Counter affidavit is also stated to have been filed by the college Principal. Section 15 of the Lokpal & Lokayuktas Act, 2013 mandates that *“in case any matter or proceeding related to allegation to allegation of corruption under the Prevention of Corruption Act, 1988 has been pending before any court or committee....., such matter or proceeding shall be continued before such court, committee or authority.”*

9. Having given thought and consideration to the facts mentioned in the foregoing paras, this Bench is of the considered view that since the matter is already pending before the Hon’ble High Court of Delhi, it would not be prudent on our part to interfere in the matter at this stage. Apart from the observations made above, this Bench is, therefore, not inclined to proceed further in the matter and does not intend to pass any order.

10. With the above observations, the complaint stands disposed of.


(COURT MASTER)
LOKPAL OF INDIA