



**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**

**CIVIL APPEAL NO. _____ OF 2025
(Arising out of SLP(C) No.27468 of 2024)**

PROF. ASHISH WAKHLU

...APPELLANT

VERSUS

**PROF. SONIYA NITYANAND
AND OTHERS**

...RESPONDENTS

J U D G M E N T

B.R. GAVAI, CJI

1. Leave granted.
2. The appellant has approached this Court being aggrieved by the judgment and final order dated 23rd September 2024, whereby the learned Single Judge of the High Court of Judicature at Allahabad, Lucknow Bench, has dismissed the Contempt Application (Civil) No. 936 of 2020 filed by the appellant. There are numerous proceedings filed in this matter by the appellant as well as other parties, some of which have been disposed of by this Court, while some are still pending before the Writ Court. For ease of

understanding, the facts in brief leading up to the present appeal are:

2.1. The Appellant was working as a Professor in the Department of Pediatric Surgery of the King George's Medical College, Lucknow ("KGMU", hereinafter).

2.2. In the year 2010, KGMU decided to employ a new software called the Central Patient Management System ("CPMS" hereinafter) for the management of various aspects of the hospital administration. Vide office order dated 19th March 2010, KGMU appointed the Appellant as the Nodal Officer for the implementation of the CPMS.

2.3. An Audit Report was received on 29th August 2017, and an objection was raised for irregularities in the expenditure on CPMS during 2011 – 2012, i.e., the time when the Appellant was in charge.

2.4. A three-member committee was formed to look into the matter, and the report of the said committee for taking action against the Appellant was submitted on 25th September 2017. Subsequently, on 13th October 2017 the Executive Council of the KGMU formed a six-member

disciplinary committee was formed in terms of Statute 11.11. of the KGMU Rules to enquire into the matter.

2.5. On 2nd August 2018, the Executive Council decided that the allegations regarding the audit objections be dropped. However, further investigation was directed through the six – member disciplinary committee for the complaints received through other sources. The said decision was communicated vide a notice dated 24th September 2018.

2.6. Being Aggrieved, the Appellant filed a Writ Petition No. 29638 of 2018 (First Writ Petition) challenging the preliminary enquiry report and the said notice dated 24th September 2018. The matter was heard, and it was reserved for judgment by the learned Single Judge on 16th November 2018.

2.7. Before the judgment could be delivered in the said Writ Petition, the disciplinary committee conducted a fact-finding exercise, and a questionnaire was sent to the Appellant. Being Aggrieved by the said questionnaire, the Appellant filed another Writ Petition No. 35784 (Second Writ Petition) of 2018.

2.8. The learned Single Judge (same judge who had reserved Writ Petition No. 29638 of 2018) in the said Writ Petition challenging the questionnaire, vide interim order dated 20th December 2018, permitted the Respondents herein to conclude the disciplinary proceedings, but directed that no final order shall be passed till the delivery of the judgment in the Writ Petition No. 29638 of 2018.

2.9. However, on 6th February 2019, the learned Single Judge released the First Writ Petition which had earlier been reserved for judgment and placed the same before the Chief Justice for appropriate orders.

2.10. The chargesheet was submitted by the disciplinary committee before the Executive Council and the same was approved. The chargesheet, along with the documents demanded by the Appellant was served upon him on 28th June 2019. Being aggrieved by the same, another Writ Petition No. 18642 of 2019 (Third Writ Petition) was filed challenging the chargesheet.

2.11. On 30th August 2019, the disciplinary committee recommended that the Appellant be suspended and vide communication dated 19th October 2019, the Executive

Council accepted the recommendation and suspended the Appellant for not cooperating with the disciplinary committee.

2.12. Being Aggrieved, another Writ Petition No. 33626 of 2019 (Fourth Writ Petition) was filed by the Appellant challenging the communication dated 19th October 2019. The learned Single Judge, vide order dated 5th December 2019 stayed the suspension order issued against the Appellant.

2.13. Being aggrieved by the interim order, the Respondents filed an appeal before the learned Division Bench, which was disposed of with the directions that all the Writ Petitions be listed together before the learned Single Judge and that a joint application be made by the parties for early hearing. It was directed that the interim order issued by the Writ Court would remain in operation.

2.14. During the pendency of the four Writ Petitions, the Appellant was found guilty of the charges and vide order dated 10th June 2020, he was terminated from service.

2.15. Being aggrieved, a Contempt Application (Civil) No. 936 of 2020 was filed by the Appellant before the High Court against the Respondents alleging contempt of the orders of

the High Court dated 20th February 2018 and 5th December 2019. Furthermore, another Writ Petition No. 3840 of 2021 (Fifth Writ Petition) was filed by the Appellant challenging the final enquiry report and the termination order.

2.16. The learned Single Judge hearing the Contempt Petition, vide order dated 8th February 2022 allowed the impleadment of the Vice-Chancellor of KGMU and issued notice to him. The Vice-Chancellor's application for deferment was rejected by the said learned Single Judge and both orders were challenged before this Court.

2.17. Vide order dated 24th April 2024, Civil Appeal Nos. 5455–5456 of 2022 filed by the Vice-Chancellor were dismissed by this Court.

2.18. Ultimately, the contempt application, filed by the Appellant herein was dismissed by the learned Single Judge vide the Impugned Order dated 23rd September 2024. Aggrieved, thereby the present appeal was filed.

3. Mr. Vishwajit Singh, learned Senior Counsel appearing for the Appellant submits that merely because a W.P.(S/S) No. 29638 of 2018 was released by the Court, it could not be presumed that the interim order dated 20th

December 2018 had ceased to operate. He submits that such a view would not be a correct position of law and that, unless leave of the Court was obtained by the Respondent, the Appellant's services could not be terminated.

4. Mr. A.N.S. Nadkarni, learned Senior Counsel appearing for the Respondent submits that there are five proceedings filed by the present Appellant and what weighed with the learned Single Judge of the High Court, while dismissing the contempt petition, was the pendency of those other proceedings, wherein the issues involved were similar to those raised in the present case.

5. We do not propose to enter into the rival contention. It is evident that once an interim order was in operation from 20th December 2018 and was being extended from time to time, the mere release of the matter on 6th February 2019 could not have constituted a valid ground for violating the order dated 20th December 2018.

6. On this short ground, the appeal deserves to be allowed. The impugned judgment and order dated 23rd September 2024 passed by the Single Judge of the High Court of Judicature at Allahabad, Lucknow Bench is

quashed and set aside. The matter is remitted back to the High Court for considering the contempt petition afresh.

7. The High Court may also consider taking up the other connected matters, if any, and hear them together for effective adjudication.

8. Pending application(s), if any, stand(s) disposed of.

.....CJI
(B.R. GAVAI)

.....J
(K. VINOD CHANDRAN)

**NEW DELHI;
OCTOBER 27, 2025.**