

03.09.2026
rpan/13-14

WPA (P) 33 of 2026

Pritam Sikdar

– *Versus* –

The State of West Bengal & Others

With

WPA (P) 487 of 2025 [dismissed]

Mr. Kumar Jyoti Tewari,
Mr. Amrit Sinha,
Mr. Aniruddha Tewari

... for the Petitioners.

Mr. Ajit Kumar Mishra,
Mr. Gopal Krishna Sarkar,
Mr. M. M. Ghosh

... for the State/Respondents.

Mr. Amitava Chaudhuri,
Mr. N. Roy

... for the Respondent Nos.4 & 5.

Mr. Dilip Kuamr Maiti,
Mr. Bidesh Ghosh,
Ms. Maitryee Maiti

... for the Respondent no.8.

Mr. Pradip Kumar Roy.
Ms. Shruti Mitra

... for the Respondent no.9.

Mr. Siddhartha Banerjee,
Mr. Sayak Ranjan Ganguly,
Ms. Pujal Musahib,
Mr. Arka Chandra Roy

... for the Respondent no.10.

The present Public Interest Litigation (in short, PIL) has been preferred by the petitioner, who happens to an ex-student of Bethuadahari College (in short, the said College). It has been averred *inter alia* that the PIL has been filed purely in the interest of justice, public welfare and to protect the interest of the students of the said College and in fact, the

petitioner is espousing the cause of the poor students of the said College and other students of the locality who are affected by the purported illegal activities and financial misconduct committed by the Principal and the members of the governing body of the said College. In the PIL it has been alleged that Shri Alak Kumar Das and Shri Dilip Kumar Karak, being the respondent nos.9 and 10 respectively are guilty of serious acts of financial defalcation and misappropriation of college funds and they had disrupted the normal functioning of the said College. In the PIL prayer has been made towards issuance of necessary direction upon the respondent authorities to recover the amount illegally paid to the respondent no.9 and also to start a specific police case against the said respondent and others on the basis of a purported complaint lodged on 17th October, 2025. It has also been prayed that necessary direction needs to be issued upon the State authorities for proper investigation into the affairs of the said College.

Records would reveal that the matter was substantively heard on 20th July, 2026 and upon recording the arguments advanced by the learned advocates appearing for the respective parties, the Court called for comprehensive reports from the respondent nos.3 and 5. Pursuant to such direction,

the reports have been filed before this Court. Let the same be kept on record.

Mr. Tewari, learned senior advocate appearing for the petitioner submits that an amount of Rs.25,20,000/- was misappropriated by the respondent no.9. However, surprisingly the document annexed at page 53 of the writ petition would reveal that a resolution was adopted by the governing body of the said College to refund the said amount to the said respondent no.9. No explanation is forthcoming as to why such steps were taken and such sequence of facts reveal a deep rooted conspiracy amongst the college authorities and the respondent no.9 to disrupt the smooth functioning of the said College and to misappropriate the funds sent as grants for the benefit of the students at large.

He further submits that though there were serious allegations against the said respondent no.9, the documents annexed at page 49 of the writ petition would reveal that the self-same person was brought within the administration of the said College by appointing him as a Government nominee. No explanation is also forthcoming as to why a person against whom serious allegations have been levelled, has been appointed as a Government nominee of the said College.

Mr. Roy, learned senior advocate appearing for the respondent no.9 vociferously disputes the contention to the petitioner and submits that it had been the ploy of the petitioner to illegally entangle the said respondent no.9 by levelling wild allegations against him. No money had been misappropriated by the said respondent. The allegation of defalcation is totally misconceived inasmuch as the audit reports of the financial years of 2015-16 and 2016-17 record only the income shortfall and not any specific finding of misappropriation or embezzlement or diversion of find against the respondent no.9.

Mr. Banerjee, learned advocate appearing for the respondent no.10 denies and disputes the contention of Mr. Tewari and submits that the PIL itself is not maintainable. The petitioner has private interest in the matter as he had been an ex-student of the said College and he is illegally interfering in the affairs of the said College by filing PILs suppressing the actual steps taken by the said College authorities. Prior to filing of the present PIL another PIL was filed by an associate of the petitioner herein and the same was dismissed. The dispute urged in the PIL had also been the subject matter of previous writ petitions which are still pending. A public wrong refers to an act or omission

that violates laws designed to safeguard the community or society at large rather than just an individual right. The petitioner has attempted to present the PIL in the guise of establishment of his private interest and as a consequence thereof, he had been instrumental towards disrupting the normal activities of the said College.

He further submits that the name of the Principal has been illegally incorporated in an FIR registered during pendency of the present writ petition with an intent to prevent him from discharging his normal administrative duties.

Mr. Chaudhuri, learned advocate enters appearance on behalf of the University and submits that there is no specific allegation against the University authorities in the PIL.

Mr. Mishra, learned Additional Government Pleader appearing for the State/respondents submits that no public interest is involved in the present matter. The dispute urged involved disputed questions of fact. Presently nothing remains to be decided in the present PIL since the governing body of the said College has been superseded and an Administrator has been appointed. The respondent no.9 is no longer a Government nominee of the said College and as such, no interference is called for in the present PIL.

In reply, Mr. Tewari denies and disputes the contentions of Mr. Roy and Mr. Banerjee and submits that on the basis of a complaint lodged by one Tarun Kanti Kumar, Nakashipara Police Station 557 of 2026 dated 17th June, 2026 under Sections 318(4)/ 316(5)/ 336(2)/ 338/ 340(2)/ 3(5), BNS has been registered and in connection with the same the respondent no.9 has been arrested and he is presently in custody.

We have heard the learned advocates appearing for the respective parties and considered the materials on record.

The first relief claimed in the PIL is for setting aside an order dated 9th January, 2023 by which the respondent no.9 was nominated as a State Government nominee in the governing body of the said College. The question of any interference with the said order dated 9th January, 2023 does not occasion inasmuch as the governing body of the said College has been superseded and an Administrator has already been appointed.

Question of consideration of the prayer as regards quashing of the governing body resolution dated 23rd August, 2024 for allegedly refunding an amount of Rs.25,20,000/- does not occasion since pertaining to such allegation and the complaint as lodged, a formal criminal case has been registered in

connection with which the respondent no.9 has already been arrested. In view thereof, the claim for issuance of fresh direction for registration of criminal case sought for in the PIL does not survive.

It has also been claimed that necessary direction upon the State/respondents needs to be issued to conduct an enquiry against the Principal and the governing body of the said College. Such direction is also not required to be passed since the governing body has already been superseded and an Administrator has been appointed.

In view thereof, no further interference is called for in the present PIL and the same is disposed of.

We categorically make it clear that as the PIL has been disposed of without calling for any affidavits from the respective parties, the allegations levelled against the respondents shall be deemed to have been denied.

There shall, however, be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties, upon compliance of all requisite formalities.

(Atarup Banerjee, J.) (Tapabrata Chakraborty, A.C.J.)