

Court No. 24

06.07.2021

(Item No. 37)

(AB)

**W.P.A 338 of 2021
(Via Video Conference)**

Dr. Ujjwal Kumar Halder

Vs

The University of Gour Banga & Ors.

Mr. Nirmalya Roy

Mr. Debashis Saha

Mr. Moniruz Zaman

..... for the petitioner

Mr. Tapan Kumar Mukherjee, Ld. AGP

Mr. Somnath Naskar

.....for the State

Mr. Ranjabati Ray

Mr. Dwaipayan Biswas

..... for the respondents

The petitioner was appointed as an Associate Professor in Education, University of Gour Banga, Malda by a letter of appointment dated 12th November, 2018 in terms of the advertisement No. 1265/UGB/R-18 dated September 17, 2018.

The allegation of the petitioner is that his appointment has been cancelled and he has been instructed to join as Assistant Professor at the Department of Education of the same University by a communicating letter dated 31st December, 2020.

The primary contention of the petitioner is that his appointment has been cancelled unilaterally without giving him an opportunity of hearing.

The learned advocate representing the Gour Banga University submits, upon instructions, that no opportunity of hearing was provided to the petitioner prior to cancelling his appointment in the post of Associate Professor.

It appears from the submission of the parties that no opportunity was given to the petitioner to defend himself prior to cancellation of his appointment. The same is in gross violation of the principles of natural justice which are mandatorily required to be followed in each and every case where disciplinary action is taken against an employee.

In view of the above, the instant writ petition is disposed of by directing the concerned authority of the University of Gour Banga to proceed strictly in accordance with law, after giving an opportunity of hearing to the petitioner and all other necessary parties and thereafter take a decision in the matter.

The order of cancellation of appointment of the petitioner dated 31st December, 2020 is set aside.

WPA 338 of 2021 stands disposed of.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon completion of usual legal formalities.

(Amrita Sinha, J.)