

Item No.14

In The High Court At Calcutta
Constitutional Writ Jurisdiction
(via video conference)

19.07.2021
Ct-24

WPA 9182 of 2021
Sadhan Kumar Saha
v.
University of Gour Banga & Ors.

Mr. Debasish Saha
Mr. Vivekananda Bose
Ms. Deblina Chattaraj
Ms. Namrata Chatterjee
... for the petitioner.

Mr. Amitava Chaudhuri
Ms. M. Chaudhuri
Mr. N. Roy
... for the University.

Mr. Himadri Sikhar Chakraborty
Mr. K.M. Hossain
... for the State.

The petitioner is a professor of Bengali under the University of Gour Banga, Malda. A disciplinary proceeding was initiated against him and he was placed under suspension.

The Enquiry Committee, which was constituted for conducting the enquiry, submitted their report on December 24, 2020. Four members of the Enquiry Committee unanimously opined that the allegation levelled against the petitioner is not in line with the standard practice of the University. The Committee was

of the opinion that the suspension of the petitioner should be withdrawn immediately so that he can resume the duties in the college.

The learned advocate for the petitioner submits that consequent to the order of the Enquiry Committee, the petitioner has been permitted to resume his duties. It has been submitted that the arrear salary of the petitioner while he was under suspension has not been cleared till date.

As it appears that the Enquiry Committee filed report in favour of the petitioner and the petitioner has consequently resumed duties, accordingly, there is no further requirement of proceedings with the disciplinary proceeding any further.

The writ application accordingly stands disposed of by directing the University to clear all the arrear dues, if not paid in the meantime, at the earliest, but positively within a period of eight weeks from the date of communication of a copy of this order.

As the petitioner has been permitted to resume duties, accordingly, all consequential benefits shall be provided to the petitioner including the benefits of ROPA.

As the enquiry report goes completely in favour of the petitioner and there is no adverse report against him, the charge sheet filed against the petitioner is accordingly set aside.

In the order dated July 6, 2021, though the learned advocates appeared on behalf of the State respondents, it was inadvertently recorded that none appeared on behalf of the State respondents.

It is made clear that Mr. Himadri S. Chakraborty & Mr. K. M. Hossain, learned advocates were present for the State on July 6, 2021.

The writ petition stands disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties after completion of all legal formalities.

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(Amrita Sinha, J.)