

02  
15.07.2021.  
d.p./PM

**In The High Court At Calcutta  
Constitutional Writ Jurisdiction  
Appellate Side**

**W.P.A 9337 of 2021  
(Via Video Conference)**

**Prof. (Dr.) Sruti Bandopadhyay  
-versus  
Visva Bharati & Ors.**

**Mr. Puspall Chakraborty,  
Ms. Prisaka Ganguli,  
Mr. Somdev Ash.  
...For the Petitioner.**

**Mr. Soumya Majumder,  
Mr. Victor Chatterjee.  
...For the Visva Bharati.**

**Mr. Anil Kumar Gupta.  
...For the UGC.**

The petitioner is a Professor in Manipuri Dance Department of Rabindra Sangit, Dance and Drama, Sangit Bhavana. She is aggrieved by the order dated 28<sup>th</sup> July, 2020 whereby she has been directed not to join duty and her salary has been withheld from the month of June, 2020 until regularization of the period of absence.

In the impugned order, it was mentioned that the petitioner left the station/headquarter without intimating the concerned authority of the University and she was absent from headquarter/station without getting permission from the concerned authority or submission of leave application during the lockdown period.

According to the petitioner, she duly forwarded her application for leave along with supporting documents to the concerned authority.

The salary of the petitioner has been directed to be paid by the Hon'ble Division Bench of this Court by order dated 9<sup>th</sup> December, 2020 passed in MAT 574 of 2020 arising out of the earlier writ petition filed by the petitioner being WPA 5808 of 2020.

The petitioner submits that she is being paid her salary in accordance with the direction passed by the Hon'ble Division Bench.

Presently, the petitioner prays for a direction upon the University to permit her to join her duties.

The learned advocate appearing for the University submits that the petitioner left the headquarters without intimation and without submission of any formal application for leave. Until and unless the period during which the petitioner remained absent from her duties is regularized the service records of the petitioner cannot be updated which may cause problems for the petitioner in future.

It appears from the submissions of the parties that according to the service rules of the petitioner, she is under obligation to stay in the Campus and is not permitted to leave without submitting any formal application for leave.

The petitioner submits that she made formal application for leave in due time, which is yet to be considered by the University.

As it appears that the application of the petitioner for regularization of her leave is pending consideration at the end of the University, no useful purpose will be served by keeping the writ petition pending.

Accordingly, the instant writ petition is disposed of by directing the respondent No.4 being the Karma Samity (Executive Council), Visva Bharati to consider the application made by the petitioner for leave in accordance with law, after giving the petitioner a reasonable opportunity of being heard within a period of four weeks from the date of communication of a copy of this order. The petitioner shall be entitled to rely upon all relevant documents in support of her application for leave.

The Karma Samity shall pass a reasoned order and communicate the same to the petitioner immediately thereafter.

WPA 9337 of 2021 stands disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties on completion of usual formalities.

**( Amrita Sinha, J.)**