

06.09.2021
SL No. 6, 7 & 11
Court No. 24
(P.M.)

WPA 11279 of 2021
With
WPA 19788 of 2019
With
IA NO: CAN/1/2020(Old No:CAN/4338/2020),
CAN/2/2020(Old No:CAN/4340/2020),
CAN/3/2021 (CAN 3/2021 File not here)
With
WPA 12649 of 2021

Dr. Satrajit Ghosh
Vs
The State of West Bengal & Ors.
(Via Video Conference)

Mr. Ranajit Chatterjee,
Mr. Aniruddha Mitra
... for the petitioner

Ms. Chaitali Bhattacharya,
Ms. Sanjukta Samanta
... for the State in WPA
11279 of 2021

Mr. Swapan Kumar Dutta,
Mr. Pradyot Kr. Das
... for the State in WPA
12649 of 2021

Mr. Kallol Basu,
Mr. Suman Banerjee
... for the College authority

Mr. Nilotpal Chatterjee,
Mr. Satyaki Banerjee
... for University of Calcutta

The petitioner being the Assistant Principal of Charu Chandra College has filed the instant writ application praying for setting aside his order of suspension. His further prayer is that the enquiry proceeding cannot

continue any further as this Court by order dated 25th November, 2020 passed in WPA 19788 of 2019 directed the Enquiry Officer to conclude the enquiry proceeding mandatorily within a period of four months from the date of communication of a copy of this order.

According to the petitioner, the time limit fixed by the Court has expired. The enquiry proceeding could not continue further and the suspension order ought to be lifted.

In the order dated 25th November, 2020 the Court was of the opinion that as the enquiry proceeding has already been initiated, the challenge to the charge sheet at this stage cannot be entertained. The petitioner was given liberty to raise all points at the appropriate stage.

The learned advocate for the College authority submits that the delay in concluding the proceeding was not only on the part of the College but also because of the dilatory tactics adopted by the petitioner.

The College has come up with an application praying for extension of time for concluding the disciplinary proceeding.

As it appears that the Court on an earlier occasion has already fixed a time limit within which the enquiry proceeding ought to have been concluded, accordingly it was the duty of the College authority to ensure that the time limit prescribed by the Court was followed.

Keeping in mind the pandemic situation through which the country is passing at present, the time limit to conclude the proceeding is extended peremptorily till 31st December, 2021.

The enquiry officer shall conclude the proceeding without granting any unnecessary adjournment to either of the parties. The petitioner will be at liberty to raise all the points as raised in the writ petition before the Enquiry Officer at the appropriate stage.

The petitioner in WPA 12649 of 2021 has raised issue with regard to the appointment of the respondent No. 6 as the teacher-in-charge of the said College.

The Calcutta University First Statutes has been placed in Court. Statute 101B mentions that in the event, the Principal of a College retires or is in leave the Governing Body of the College shall appoint a teacher-in-charge from among the whole time teachers of the College. The senior most teacher of the College shall be so appointed. The term of appointment of the teacher-in-charge shall not ordinarily be more than six months at a stretch during which the Governing Body shall make all effort to have a person recommended by the West Bengal College Service Commission to be appointed as Principal of the College.

In the instant case, the petitioner being the Principal of the College is under suspension. The senior most teacher has expressed unwillingness to take up the charge of

teacher-in-charge. The private respondent has been temporarily permitted to function as the teacher-in-charge.

The enquiry officer shall take all necessary steps to act in terms of this order within the time limit as specified herein above.

It is needless to mention that the College shall pay the subsistence allowances to the petitioner as and when the same falls due without any unnecessary delay.

All the writ petitions along with connected applications stand disposed of.

As the writ petitions are being disposed of without calling for any affidavit, the allegations made in the writ petitions are deemed not to have been admitted.

The affidavit which has been affirmed by the teacher-in-charge of the College on 31st August, 2021 filed in Court today is taken on record.

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

(Amrita Sinha, J.)