

Court No. 24

08.10.2021

(Item No. 12)

(AB)

W.P.A 14754 of 2021

Swastik Jana

VS

**The State of West Bengal & Ors.
(via video conference)**

Mr. Jaya Brata Ghose

Mrs. Tina Biswas

..... For the petitioner

Mr. Tapan Mukherjee

Mr. Pinaki Dhole

Mr. Avishek Prasad

..... for the State respondents

A report has been filed by way of Affidavit by the Principal, Government College of Art and Craft, Kolkata.

It appears therefrom that the Government College of Art and Craft, Kolkata was not inclined to admit the petitioner in the Master Degree Course on account of his improper behaviour with his female counterpart.

It further appears that the petitioner forwarded inappropriate, malicious whatsapp messages with sexual implications to one of the female students of the College.

A complaint was lodged by the student against the petitioner. The petitioner sought apology. Copy of the apology, which was sought for by the petitioner, has been produced in Court. The complaint lodged by the female student of the College was forwarded to the Coordinator of the Bisakha Committee.

An online meeting of the Bisakha Committee was held and resolution was taken with regard to the offence of the petitioner. It was opined that the offence was such that the petitioner was fit for rustication from the College. However, considering that it was the final year in College, the petitioner was permitted to complete his examination.

The decision of the Bisakha Committee was conveyed to the petitioner over telephone, that it was only on humanitarian grounds that the punishment for rustication has not been imposed on him but he was found not fit to be permitted to join the College once again for pursuing his Master Degree Course.

The learned advocate for the petitioner submits that the petitioner was not given an opportunity of hearing to defend himself before the Bisakha Committee.

The documents in support of the complaint made by the female student have been produced in Court.

On perusal of the said documents the Court is of the opinion that the order of the State Commissioner, for Persons with Disabilities, dated 5th August, 2021 impugned in the instant writ petition, upholding the decision of the

College to reject the prayer of the petitioner for admitting him in the Master Degree Course does not call for any interference.

The College authority may proceed against the petitioner in accordance with the provisions of law.

The writ petition fails and is hereby dismissed.

The documents in support of the report produced in Court today be retained with the records in a sealed cover and certified copies of the same shall not be handed over to any of the parties.

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

(Amrita Sinha, J.)