

WPA (P) 132 of 2022

Rama Prasad Sarkar

Vs.

Union of India and Others

Mr. Rama Prasad Sarkar

... petitioner-in-person

Mr. Jaharlal De,

Mrs. Smita Das De, Advocates

... for the State

Mr. Dhiraj Trivedi, Id. Asst. A.S.G.

Mr. Sushil Kr. Mishra, Advocate

... for the U.O.I

Mr. Victor Chatterjee, Advocate

...for the respondent nos. 5 to 9

The petitioner, a practicing advocate of this Court, has filed the present public interest petition seeking a direction to the respondent police authorities to ensure that law and order prevails in and around the campus of Visva-Bharati University. Certain incidental relieves have also been sought.

In the writ petition, the petitioner has alleged that a large scale agitation, at the instance of some students and outsiders, is going on in the respondent Visva-Bharati University and on account of the agitation, the functioning of the university is disrupted, posing grave law and order situation. It is also alleged that on account of the same, some of the examinations were required to be postponed.

Having examined the record, it is noticed that earlier, WPA 13553 of 2021 was filed by the Visva-

Bharati University raising similar issues and the learned Single Judge on 03rd of September, 2021 had issued following directions:

“The following directions are passed that shall be complied with immediately today:

- (i) All demonstrations, banners, barricades and obstruction outside the residence of the Vice Chancellor shall be forthwith removed by the Officer-in-charge, Santiniketan Police Station.
- (ii) The Vice Chancellor of the University in addition to his own Security Guards shall also be provided with three constables from the Santiniketan Police Station for his protection.
- (iii) The locks on the administrative building and any other part of the University by the students shall be broken open by the Officer-in-charge, Santiniketan Police Station and the premises shall be handed over to concerned persons.
- (iv) No demonstration shall be conducted by any students or any persons within a distance of 50 meters of any portion or part of the University, particularly, the schools, Classrooms, the residence of the Vice Chancellor, teachers, professors, officials, staff library, the administrative buildings laboratories etc.
- (v) The demonstrators shall remove any material they have brought into the University premises and dispose of all litter in an orderly manner.
- (vi) Loudspeakers shall not be permitted inside the University premises.
- (vii) None of the employees of the University including the V.C., Professors, Teachers, Officials and other staff shall be prevented from entering the University premises or 5

the respective Schools and Departments under it.

- (viii) All obstructions to any C.C.TV camera in the University at any place shall be forthwith removed and a report to this effect shall be submitted independently by the Registrar of the University and also the Officer-in-charge, Santiniketan Police Station.
- (ix) The normal functioning of the University shall be restored immediately and the Officer-in-Charge, Shantiniketan P.S. shall render all assistance in this regard. There shall be no disruption, howsoever and whatsoever by any person or persons.”

Then again, WPA 3821 of 2022 was filed by the University raising certain grievances and requisite directions were issued on 08.03.2022 to ensure smooth conduct of examination. The concerned police authorities were also directed to ensure that no outsiders remain in the University or enter the campus and to do periodical and surprise inspection.

A perusal of the writ petition reveals that most of the allegations made in the petition relate to the incidents of March, 2022 or prior thereto. Learned Single Judge has already issued appropriate directions for smooth functioning of the respondent University. The submission of the petitioner that those directions were by the learned Single Judge, therefore, now the direction by the Hon’ble Division Bench is required, is found to be of no substance.

Learned Counsel appearing for the respondent University has also informed that after the orders of the learned Single Judge, as on today, there is no agitation in the respondent University.

In the aforesaid circumstances, we find no ground to entertain the present writ petition and issue any direction. Hence, the petition is dismissed.

(Prakash Shrivastava, C.J.)

(Rajarshi Bharadwaj, J.)