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W.P.A. 11804 of 2022

Prabir Das.

Vs

Vice Chancellor Vidyasagar University & Anr.

Mr. Souvik Nandy.

... For the petitioner.

Ms. Debjani Sengupta,

Ms. Shahina Haque,

Ms Koyet Beg,

Mr. Abhijit Chatterjee.

... for the Vidyasagar University.

Petitioner was initially appointed as a driver on contractual basis in Vidyasagar University in the year 2001. He was allotted a quarter on 30th November 2017 by the University. He was made permanent in the year 2020 w.e.f. March 8, 2019 in the said post. At the time of allotment of the quarter, he furnished an undertaking, inter alia, to the following effect:

"01. I have no house/residence in full or part, in my name/parent/spouse or other dependent members of my family within twenty five (25) K.M. radial distance from the Vidyasagar University.

02.

03. I will abide by the revised rules and regulations for allotment of quarter/hostel/unit of Vidyasagar University as admissible/may be in force from time to time including the changes/modifications/amendment made thereto."

Subsequently, it was found by the University that the petitioner's mother had a house within 25 K.M. radial distance from Vidyasagar University. The University directed the petitioner to vacate the quarter allotted to him on the ground that the petitioner got the

quarter allotted in his favour on the basis of the false declaration that within 25 K.M. radial distance from the University, he had no house in his mother's name.

It has been submitted by Mr. Souvik Nandy, learned advocate appearing for the petitioner, that petitioner's younger brother stays in the said house with his mother. In such a small house the petitioner's family cannot be accommodated.

Ms. Debjani Sengupta, learned advocate appearing for the Vidyasagar University draws the attention of this Court to the amended Rules and Regulations for allotment of University quarter/hostel which, inter alia, provide as follows:-

“An employee who is the owner of the house, in full or part, whether in his/her own name or in the name of his/her parents, wife, husband,, unmarried daughter, son or any other dependent members of his/her family within twenty (25) KMs radial distance from his/her place of posting are not eligible for allotment of University quarter/hostel.”

Ms. Sengupta submits that the petitioner has furnished a false declaration, and in terms of the regulations of the University, the petitioner is not entitled to a quarter.

I am of the view that the regulations are directory in nature. The rules have to be read in their true letter

and spirit. The object behind the regulations is to allot quarters only to those employees of the University, who have no proper residential accommodation within 25 K.M radial distance from the University. If despite having a parental house, an employee is not in a position to stay there with his family for a reasonable cause, it cannot be said that he is not entitled to a quarter by the University. All that is required to be ascertained is whether the employee in reality has an alternative accommodation within 25 K.M. radial distance from the University where he can stay reasonably with his family.

In that view of the matter, I request the Vice-Chancellor of the Vidyasagar University to depute one competent officer of the University who will file a report as to whether the petitioner and his family can reasonably be accommodated in his mother's house at Ward No.03, Udoy Pally, 04 No. Rail gate, Paschim Midnapore. The said officer will inspect the house giving due notice to the petitioner.

Upon consideration of the report of the said officer, the Vice-Chancellor will take a fresh decision with regard to the allotment of the quarter of the petitioner. The entire exercise has to be completed within a period of one month from the date of communication of this order. Until such a decision is taken, the University will not insist the petitioner to

vacate the quarter in question and take any coercive action against him in connection with the allotment of the said quarter.

With these observations and directions W.P.A. 11804 of 2022 is disposed of.

Let urgent certified copies of this order, if applied for, be given to the parties upon compliance with all the necessary formalities.

(Kausik Chanda, J.)