

29.06.2022

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WPA 13486 of 2018

Dr. Sudipto Mandal
Vs.
The University of Kalyani & Ors.

Mr. Tapas Kumar Sinha,
Mr. Pankaj Halder ... for the petitioner

Mr. Susmita Mukherjee for the
Respondent no. 4

Mr. A.Chaudhuri,
Ms.M.Chaudhuri,
Mr. Moniruzzaman for the University

The petitioner was appointed by a letter dated July 2, 2018 from the Registrar of the University of Kalyani as an Assistant Professor under Scheduled Caste category. The appointment letter indicated that the petitioner would be on a probation for one year from the date of his joining.

Following the appointment letter issued on July 2, 2018, the petitioner joined his post on 16th July, 2018. Thereafter on 18th July, 2018, the Registrar communicated to the petitioner that due to

detection of a mistake caused inadvertently in appointing him as an Assistant Professor, the University withdrew and cancelled his appointment.

The said letter dated July 18, 2018, has been challenged in this writ petition. Affidavit filed by the University disclosed that the petitioner was awarded 46.265 marks by the Selection Committee whereas private respondent no. 4, who had been selected, was given 61.885 marks.

After the petitioner joined on July 16, 2018, it was found that appointment letter was issued by mistake in favour of the petitioner instead of private respondent no. 4 by the Registrar.

When such mistake was detected, the whole matter was brought to the notice of the Vice Chancellor who immediately directed to appoint private respondent no. 4 cancelling the appointment letter issued in favour of the petitioner. Accordingly, the

petitioner was terminated on July 18, 2018, and another appointment letter dated July 18, 2018, was issued in favour of the private respondent no. 4.

The University submits before this Court that they had rectified their mistake within two days from the date of joining of the petitioner, and such mistake was made bona fide.

In support of the petitioner, his learned advocate refers a note sheet dated July 17, 2018, to suggest that in the note sheet, the Registrar admitted that he issued appointment letter on the basis of an e-mail received from the Vice Chancellor dated 3rd July, 2018, in favour of the petitioner, but on receipt of original recommendation issued from the Vice Chancellor on July 17, 2018 it was found that the appointment letter was wrongly issued to the petitioner instead of private respondent no. 4. He submits that when

the Vice Chancellor's letter in favour of the petitioner was received on July 3, 2018, the Registrar could not have issued the appointment letter on July 2, 2018. It shows that said documents relied upon by the University are fabricated.

To clinch the issue, I directed the University to produce original records pertaining to the selection. Accordingly, the University has produced the original records today. The copies of the said original records have been made over to the learned advocate appearing for the petitioner.

The original records produced before this Court clearly shows that the petitioner secured 46.265 marks while the private respondent no. 4 secured 61.885 marks by the Selection Committee. The original records clearly justify the stand of the University that appointment letter was issued in favour of the petitioner by

mistake.

I am of the view that the University has rightly terminated the service of the petitioner. Since the petitioner was in his probation period, there was no bar to terminate his service within the period of probation.

A mere discrepancy of two dates in the note sheet at page 34 of the affidavit-in-opposition, as suggested by the petitioner, does not prove that the University has manufactured all the documents pertaining to the selection to deprive the petitioner.

In that view of the matter, I do not find any reason to entertain this writ petition.

Accordingly WPA No. 13486 of 2018 is dismissed.

Parties are directed to act on the server copy of this order.

(Kausik Chanda, J.)

