

**02.08.2022**  
Item No.190  
Crt. No.11.  
KB

**MAT 1132 of 2022**  
**with**  
**IA No. CAN 1 of 2022**

**Dr. Goutam Pal**  
**-Versus-**  
**The State of West Bengal & Ors.**

Mr. Ranajit Chatterjee  
Mr. R. N. Chakraborty  
Mr. Aniruddha Mitra  
.... For the Appellant.

Mr. Saptangshu Basu  
Mr. Rajib Mullick  
Mr. Ankit Sureka  
Ms. Mrinalini Majumdar  
.... For the Respondent No.6.

Party/parties is/are represented in the order of their name/names as printed above in the cause title.

The appeal is mentioned on grounds of urgency by the appellant.

The appellant submits through Mr. Chatterjee, Learned Counsel, that the Respondents/the RCC Institute of Information Technology (for short the Institute) is biased and intends to conclude the Disciplinary Enquiry against the appellant, who is an Assistant Professor in the Institute (now under suspension), without affording adequate time and opportunity to contest the Enquiry.

The particular attention of this Court is drawn to an Office Order dated 29<sup>th</sup> of July, 2022 of the Chairman of the Governing Body of the Institute

forwarding a copy of the Enquiry Report to the appellant. The appellant claims that the said Enquiry Report *vide* the Office Order dated 29<sup>th</sup> of July, 2022 has been forwarded to him at 1 A.M. on the night of 30<sup>th</sup> of July, 2022.

The appellant further points out that the Enquiry Report has been prepared on the 15<sup>th</sup> of July, 2022 and therefore could have been served earlier on the appellant instead of giving him time for only three days to submit his reply.

However, Mr. Chatterjee submits that by an Order dated 5<sup>th</sup> of April, 2022 passed in an appeal filed by the Institute against the present appellant and others, the Hon'ble Division Bench was pleased to, *inter alia*, record that the respective Learned Counsel for the parties consent to the departmental proceeding being completed within four months from 5<sup>th</sup> of April, 2022 peremptorily. The period of four months expires on the 4<sup>th</sup> of August, 2022.

Mr. Basu, Learned Senior Counsel, however disputes the stand of the appellant/the writ petitioner. It is submitted that the order as communicated on the 29<sup>th</sup> of July, 2022 was not deliberately delayed. It is pointed out that by the Order of 5<sup>th</sup> April, 2022 the Hon'ble Division Bench had also directed that in the event the Disciplinary Enquiry is not completed within

the period as directed (*supra*) the Institute will have to reinstate the present appellant.

Having heard the parties and considering the materials placed at this stage, this Court permits the appellant to respond to the communication dated 29<sup>th</sup> of July, 2022 as instructed, since the appellant submits that it would be possible for the appellant to reply to the Enquiry Report by the date fixed in the Office Order dated 29<sup>th</sup> of July, 2022.

However, since Disciplinary Proceedings have been pending against the appellant for a long long time, this Court requests the Hon'ble Single Bench to examine the merits of the issue at its convenience at the earliest with the further direction that the Final Order of the Disciplinary Authority, if adverse to the appellant/the writ petitioner, shall not be given effect to without the leave of the Hon'ble Single Bench.

Since affidavits are not invited, all other allegations made in this appeal are deemed not to have been admitted

**MAT 1132 of 2022 with IA No. CAN 1 of 2022** stand accordingly **disposed of**.

All parties to act on a gist of the communication of this order.

All parties to act in terms of a copy of the order downloaded from the official website of this Court.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties on compliance of necessary formalities.

**(Lapita Banerji, J.)**

**(Subrata Talukdar, J.)**