

04.02.2022
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Sl. No. 03
Ct. No. 05

WPA 17117 of 2021

[Via Video Conference]

Chandranath Banerjee
-Versus-
Visva-Bharati & Ors.

Mr. Biswaroop Bhattacharya
Mr. Debabrata Das
Mr. Pradyut Das
Ms. Mayuri Ghosh

..... for the petitioner

Mr. Soumya Majumder
Mr. Victor Chatterjee

... for the Visva-Bharati

The writ petitioner prays for quashing of an order passed on 24th August, 2021 by the Registrar(acting) of the Visva-Bharati University. By the said order, the University confirmed the order passed by the In-charge, Centre for Journalism and Mass Communication, Visva-Bharati University, discontinuing the service of the petitioner with immediate effect. The petitioner was appointed to the University on 24th July, 2000 to the post of Press Liaison-cum-Placement Coordinator, Centre for Journalism and Mass Communication.

Learned counsel appearing for the petitioner submits that the petitioner's service was discontinued for reasons which would be

reflected in a letter dated 17th March, 2021. In the said letter, the petitioner was asked to respond to the charge contained in the letter, namely that the petitioner has contributed to certain news items in relation to the University.

Learned counsel appearing for the University defends the impugned decision of the University dated 24th August, 2021 on the ground that the petitioner was engaged on a purely temporary basis and cannot claim continuation of his service. Counsel submits that the petitioner was engaged not by the University but by the Centre for Journalism and Mass Communication. According to counsel, since the petitioner's engagement was in relation to a project, the service of the petitioner has been discontinued.

The facts should first be stated. The Centre for Journalism and Mass Communication of the University issued a letter dated 24th March, 2021 dispensing with the engagement of the petitioner at the Centre on the ground that the engagement was purely on a temporary basis. The petitioner filed an appeal on 18th April, 2021 against the order of discontinuation of the petitioner's service before the Karma Samiti (Executive Council) which is the Appellate Body of the University.

The petitioner approached the writ Court and WPA 11238 of 2021 was disposed of on 19th July, 2021 by directing the Karma Samiti to pass a reasoned order in the appeal filed by the petitioner. The impugned order of the Karma Samiti dated 24th August, 2021 is the culmination of this sequence.

After considering the documents on record, this Court is of the view that the impugned order of the Registrar (Acting) of the University is vulnerable to challenge on several grounds. First, the impugned order suffers from a lack of reasons. The direction of the learned Single Judge on the Karma Samiti was to pass a reasoned order. The decision of the Karma Samiti on the other hand reflects a complete non-compliance of the said direction. It merely confirms the order passed by the In-charge of the Centre for Journalism on 24th March, 2021 and reiterates that the service of the petitioner is discontinued.

Second, the reasons reflected in the letter dated 24th March, 2021 for discontinuing engagement of the petitioner and the decision of the appellate body confirming the said order are completely at variance. The reason given by the

Centre for discharging the petitioner is that the petitioner was engaged on a purely temporary basis. The reason given by the Karma Samiti/appellate body is that the University is not holding physical classes and hence the petitioner's service is not required. The variance of reasons is important since the impugned order confirms the earlier communication of the Centre for discontinuing the engagement of the petitioner.

Third, the order of the In-charge of the Centre for Journalism has to be read in conjunction with the earlier letter of the Registrar of the University dated 17th March, 2021 containing a specific charge against the petitioner, namely that the petitioner has contributed to news items in a newspaper and a television channel which presumably are critical of the University. The letter contains a conclusion that the news items are fabricated. The allegation contained in this letter assumes significance in the context of the subsequent communication dated 24th March, 2021 asking the petitioner to leave his engagement with Centre. Even if one takes the letter on 24th March, 2021 as a stand-alone document, the said letter

would fall for breach of the principles of natural justice, since the letter is abrupt and without sufficient notice to the petitioner. Hence, the letters of 24th March, 2021 and 17th March, 2021 read together throw sufficient light on the reason for discontinuing the engagement of the petitioner on a sudden and abrupt basis.

The letters and the impugned order read in conjunction would amount to arbitrary and unreasonable action on the part of the University. This Court accordingly finds that the impugned order of the University dated 24th August, 2021 cannot be sustained and should hence be set aside.

WPA 17117 of 2021 is accordingly allowed in terms of the above reasons. There shall be an order in terms of prayers (a) and (b) of the writ petition. The University and the Centre for Journalism and Mass Communication are directed to put the petitioner in the position the petitioner was as of 16th March, 2021 and allow the petitioner to resume his duties without any further delay.

The writ petition is disposed of accordingly.

(Moushumi Bhattacharya, J.)