

30.06.2022
Item No. 30
Ct. No. 25
PG

W.P.A. 19355 of 2010
With
I.A. No. CAN 1 of 2012(Old CAN 9375 of 2012)
With
I.A. No. CAN 2 of 2020 (Old CAN 5898 of 2020)

Tushar Moitra
Vs.
The University of North Bengal & Ors.

Mr. Baidurya Ghosal
Ms. Avipsha Dutta Roy.....for the petitioner

Ms. Supriya Dubey...for the North Bengal University

The instant writ petition has been filed praying for issuance of a writ in the nature of mandamus to set aside the decision taken by the authorities of North Bengal University accepting the resignation, which was communicated to the petitioner vide letter dated July 27, 2010.

The petitioner was appointed as the Officer-in-Charge of Watch and Ward Department in the North Bengal University. He alleges that while he was on duty, he had to face an unruly mob on June 23, 2010, who made an attempt to enter into the administrative building of the University where a scheduled meeting of the Executive Council was going on. He was manhandled by the said mob and as a result got injured, which compelled him to take bed

rest as per the advice of the doctors. According to the petitioner, he reported for joining his duties on July 26, 2010. The petitioner alleges that when he went to the chamber of the Vice Chancellor, he was rebuked by the Vice Chancellor and as he was emotionally perturbed, he handed over a letter of resignation from the said post.

The resignation tendered by the petitioner was accepted by the Registrar (Acting) of the said University on July 27, 2010. The petitioner thereafter submitted a representation before the Vice Chancellor of the said University on July 29, 2010, which was received by the office of the Vice Chancellor on July 30, 2010.

The learned advocate appearing for the petitioner submits that the post of Officer-in-Charge, Watch and Ward Department is still lying vacant and the authorities have not yet taken any decision on the representation of the petitioner dated July 29, 2010. He prays that the respondent authorities be directed to take a decision on the said representation.

Learned advocate appearing for the North Bengal University accepts the submission of the learned advocate for the petitioner that the said post is still lying vacant. Since the post in question is still lying vacant and no decision on the representation of

the petitioner dated July 29, 2010 has been taken by the respondent authorities as yet, this Court directs the concerned respondent to consider the petitioner's representation dated July 29, 2010, which was addressed to the Vice Chancellor, North Bengal University and to dispose of the same by passing a reasoned order after giving an opportunity of hearing to the petitioner. The reasoned order shall be communicated to the petitioner immediately thereafter.

As the matter is pending since July 2010, the concerned respondent authority is directed to complete the entire exercise within a period of four weeks from the date of communication of this order.

With the above directions, this writ petition along with the connected applications being I.A. No. CAN 1 of 2012(Old CAN 9375 of 2012)(not in file) and I.A. No. CAN 2 of 2020(Old CAN 5898 of 2020)(not in file) are disposed of.

Urgent photostat certified copy of this order, if applied for, be furnished to the parties expeditiously upon compliance of all legal formalities.

(Hiranmay Bhattacharyya, J.)