

23.6.2023
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WPA 12012 of 2023
with
WPA 1085 of 2023

Trideep Ghosh
Vs.
University Of Calcutta & Others.

Mr. Debraj Sahu
Mr. Nilanjan Adhikari
... For the petitioner.

Mr. Kishore Dutta, Sr. Advocate,
Mr. Nilotpal Chatterjee
Mr. Sourabh Sengupta
... For the Calcutta University.

Mr. Debasish Ghosh
Mr. Varun Kothari
... For respondent nos. 5-7.

After considering the submissions made by the learned advocates for the parties, I am of the view that the order of punishment imposed upon the petitioner cannot be sustained on the sole ground that it was not communicated to the petitioner. However, after passing the interim order in WPA 1085 of 2023 on the ground of non-communication of the order, the University communicated the order of punishment.

I am of the view that such belated communication, given the facts and circumstances of the case, does not improve the case of the University. Having regard to the nature of punishment sought to be imposed upon the petitioner, it should have been

communicated without any delay. The case of the petitioner is covered by the judgments of the Supreme Court reported at **AIR 1966 SC 1313 (State of Punjab vs. Amar Singh Harika)** and **(2016) 1 SCC 622 (Dulu Devi vs. State of Assam and Others)**.

Though other infirmities have been urged on behalf of the petitioner to challenge the impugned order of punishment, today the petitioner has expressed his regret for his conduct and seeks forgiveness.

In the light of the stand of the petitioner today, I am of the view that the University should not give effect to the impugned order of punishment subject to furnishing an undertaking by the petitioner within 7 days from date before the Registrar of the University to the effect that in future he will refrain from any act of indiscipline. In the undertaking the petitioner will also tender his unqualified apology for the alleged conduct before the Registrar of the University.

Subject to furnishing the undertaking, the University shall permit the petitioner to continue his further studies. The University shall also publish the result of his 5th semester within a period of two weeks from date. The University shall permit the petitioner to appear for his 6th semester at the first instance. Thereafter, the petitioner should also be given an opportunity to appear for the 4th semester at the

earliest available opportunity in terms of the University Regulations.

In the event the petitioner breaches any of his undertakings, the University will be at liberty to take appropriate steps as it deems fit and proper.

With the aforesaid directions, both the writ petitions **WPA 12012 of 2023 and WPA 1085 of 2023** are disposed of.

Urgent certified copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Kausik Chanda, J.)