

January 25, 2023  
AD 3  
Court No.1  
SG

MAT 103 of 2023  
with  
CAN 1 of 2023

*Professor (Dr.) Satrajit Ghosh*  
*vs*  
*The State of West Bengal and others*

Mr. Ritzu Ghosal,  
Mr. Amiya Kumar Dutta,  
Mr. Swadesh Priya Ghosh, Advocates  
... for the appellant

Mr. Subhabrata Datta, Sr. Advocate  
Mr. Sanatan Panja, Advocate  
... for the State

Mr. Kallol Basu,  
Mr. Suman Banerjee, Advocates  
... for the respondent No.5/writ petitioner

This intra-court appeal is at the instance of respondent No.5 in the writ petition challenging the order of learned Single Judge dated 05.12.2022 disposing of WPA 4923 of 2020 with certain directions.

The petitioner had approached the writ Court with the plea that the appellant (respondent No.5 in the writ petition) was the Principal of Charuchandra College and was placed under suspension on 26.11.2018 in contemplation of the disciplinary proceedings. Thereafter the writ petitioner was appointed as Teacher-in-Charge.

In the writ petition, the grievance was raised that the appellant was placed under suspension and was asked to hand over the charge to the writ petitioner but the appellant had not given access to the keys of the chamber of the principal and had also not handed over the documents lying in his custody. It was stated in the writ petition that on account of this CCTV footage of the college was not accessible as the monitor was

lying in the chamber of the principal and the main server of the internet connection was also lying in the chamber of the principal due to which restoration of internet connection to Library, Department of Computer Science, Botany Department and Physics Department could not be done. It was further alleged that the deeds related to the land of the college were lying in the principal's room, therefore, there was a possibility of the college losing the ground which was urgently needed for the expansion of the college.

Initially the writ petitioner had made a complaint to the police authorities, thereafter the writ petition was filed with the prayer to direct the respondent to allow the college to have access to the room of the principal.

Learned Single Judge initially by order dated 24.03.2021 considering the material on record had directed to open the padlock of the main door of the room of principal of college on 31.03.2021 at 12 noon in the presence of the concerned persons. It was further directed that if the keys are not available, padlock will be broken. The I.O. was given liberty to break open any almirah, chest, drawer, cupboard which were under lock and key and also to prepare the inventory of the items. The I.O. was allowed to retain the keys of the chamber.

By the impugned order learned Single Judge has directed to hand over the keys of the room which was earlier occupied by the appellant, to the current teacher-in-charge of the college and has also directed completion of investigation on the subject FIR expeditiously preferably within a period of 2 months.

Submission of learned counsel for the appellant is that no notice in terms of the previous order of learned Single Judge dated 15.11.2022 was served upon the appellant, therefore the

appellant had no opportunity to appear before learned Single Judge when the writ petition was taken up and disposed of.

Learned counsel for the State has submitted that the direction of learned Single Judge to conclude the investigation has already been complied with and the FR has been filed on 11.01.2023.

Learned counsel for the writ petitioner has submitted that learned counsel for the appellant was duly informed about the listing of the matter on 05.12.2022 and the matter was also shown in the cause-list and no prejudice has been caused to the appellant by the impugned order.

We have heard learned counsel for the parties and perused the record.

Undisputedly the appellant was served in WPA 4923 of 2020 and was represented. When the matter was listed on 15.11.2022, the case was published in the daily cause-list. Subsequently also when the matter was listed on 05.12.2022 it had appeared in the daily cause-list. Both cause-lists have been produced by learned counsel for the writ petitioner during the course of argument.

Hence, it was for learned counsel for the appellant to be vigilant and take note of the matter from the cause-list and appear when the matter was called. That apart, learned counsel for the writ petitioner has also produced the e-mail which was sent to the appellant on 05.12.2022 at 8.27 am informing that the petition was listed on 05.12.2022 at serial No.437 in the daily cause-list. Hence, the appellant had due notice of listing of the petition, therefore, the prayer for setting aside the impugned order of learned Single Judge for want of notice to the appellant cannot be accepted.

That apart, learned counsel for the appellant has not shown any prejudice which has been caused to the appellant on account of direction of learned Single Judge. Undisputedly, the appellant is still under suspension though a plea has been raised that in spite of the direction, DP has not been completed till now. Under such circumstances, the appellant had no right to retain the keys of the room of the principal. Hence, learned Single Judge has not committed any error in issuing a direction for handing over the keys of the said room to the teacher-in-charge of the college.

Thus, we find no ground to interfere in the impugned order of learned Single Judge.

Accordingly, the appeal is dismissed.

**[Prakash Shrivastava, C.J.]**

**[Rajarshi Bharadwaj, J.]**