

11.4.2023

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WPA 7107 of 2023

Jiban Mukhopadhyaya
Vs.
The State of West Bengal & Ors.

Ms. Soma Panda
Mr. Gazi Faruque Hossain
... For the petitioner.

Mr. Mir Anuruzzaman
Mr. Supratim Dhar
Mr. Dhananjay Nayak
... For respondent no. 6.

Mr. Hiranmoy Dutta
... For respondent no. 5.

Mr. Swapan Kr. Datta, AGP,
Mr. Rajat Dutta
... For the State.

In this writ petition, the petitioner has challenged the nomination of Smt. Arundhati Moitra (Lovely Moitra), respondent no. 6 as the President of Governing Body of Sonarpur Mahavidyalaya, South 24 Parganas in his place. The said nomination was made by the State by an order dated December 19, 2022.

It appears that the petitioner was nominated by the State as the President of Governing Body of the said College by a letter dated August 30, 2019.

Learned advocate appearing for the petitioner submits that tenure of the committee was extended till 30th June, 2023 by an order of the Department of

Higher Education, Government of West Bengal dated December 15, 2022. The order dated December 19, 2022 has been issued during the extended period of Governing Body. Therefore, the petitioner should have been allowed to continue as the President of Governing Body till 30th June, 2023.

It has been further submitted by the petitioner that there was no allegation whatsoever against the petitioner and no prior notice was given to remove him from the post of President.

I am not persuaded by the argument put forth by the learned advocate for the petitioner.

The petitioner was nominated to represent the State in the Governing Body.

His letter of nomination did not specify any duration of his tenure. The petitioner did not have a vested right to continue as the President of the Governing Body. The State was at liberty to withdraw his nomination at any point of time as its discretion.

It has been submitted on behalf of respondent no. 6 that that newly nominated President has already assumed charge on February 17, 2023 and she has been functioning as the President of the College since then.

Mr. Datta, learned advocate appearing for the State submits that the Governing Body was re-

constituted only by the order dated December 19, 2022 in terms of the order dated December 15, 2022.

Having regard to the fact that the petitioner has no right to continue as the President of the Committee, the issue of re-constitution of the Governing Body by the order dated December 15, 2022, as raised by the State, is of no relevance.

Accordingly, **WPA 7107 of 2023** is dismissed.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with the requisite formalities.

(Kausik Chanda, J.)