

31.03.2023

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WPA 7913 of 2023

Dr. Niranjana Mandal
Vs.
The State of West Bengal & Others.

Mr. Victor Chatterjee
... For the petitioner.

Mr. H.S. Chakraborty
Mr. Debdas Khanna
Ms. Priyanka Chanda
... For the respondent nos. 3 & 5.

Mrs. Rajashree Roy
Mr. Debasis Maitra
... For respondent no. 6.

Mr. Swapan Kumar Datta, AGP,
Mr. Subhabrata Das
... For the State.

The petitioner is the Principal of Burdwan Raj College and is also the Ex-Officio Secretary of the Governing Body of the said College.

The Principal has filed this writ petition challenging a communication dated March 22, 2023, whereby it was communicated to the College that the Vice-Chancellor of the University nominated a member to act as the University nominee in the Governing Body of the College replacing his previous nominee.

The petitioner submits that the action of the Vice-Chancellor is not sustainable in view of Sections 5 (2) & (3) of the West Bengal Colleges (Administration and Regulation) Act, 2017. He submits that since there has

been a statutory violation in appointing a fresh nominee by the Vice-Chancellor and the order impugned should be interfered with by this Court.

On the behalf of the University, it is submitted that the Vice-Chancellor has taken up the decision in view of the communication made to him by the President of the College. In a communication dated March 12, 2023, the Vice-Chancellor was informed of the fact that his earlier nominee did not attend any meeting of the Governing Body though a number of meetings, at least five meetings, were held during the period from December, 2022 to December, 2023.

It has been submitted on behalf of the University that there has to be a lady member in the Governing Body and since the earlier nominee of the Vice-Chancellor did not attend the meetings, for effective functioning of the College presence of a lady member in the Governing Body was felt necessary which prompted the Vice-Chancellor to appoint a new nominee.

On behalf of respondent no.6, it has been submitted that the Governing Body in question has been constituted in the month of December 2022. The removed nominee of the Vice-Chancellor has not approached this Court. The petitioner, being the Principal of the College, cannot have any reason to be

aggrieved by the impugned action of the Vice-Chancellor.

I am of the view that Section 5 (2) of the West Bengal Colleges (Administration and Regulation) Act, 2017 does not apply to the fact of this case. The said sub-section is applicable in a case where a Governing Body had been constituted immediately preceding the date of coming into effect of the Act.

With regard to the applicability of Section 5 (3) of the said Act, I do not find any correlation between the nomination of a member of the Governing Body by a Vice-Chancellor and the said provision.

If it is assumed that the tenure of the committee is of three years, in terms of the First Statute of Burdwan University, it cannot be said that the Vice-Chancellor has no power to withdraw his nominee and appoint someone else in his place for a just cause during the tenure of the Governing Body. A nominee appointed by the Vice-Chancellor does not have any vested right to remain in the Governing Body for its whole period. The nominee is expected to act on behalf of the Vice-Chancellor and it is open for the Vice-Chancellor to replace his nominee, if he thinks that such a change would be in the best interest of the College.

In the present case, it was brought to the notice of the Vice-Chancellor that his previous nominee did not attend any meeting of the Governing Body for a considerable period of time. In that view of the matter, the Vice-Chancellor was justified in appointing another nominee in her place.

This writ petition appears to be meritless.

Accordingly, **WPA 7913 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.)