

26.04.2023.
Court No.13
Item No. 5
pk

W.P.A. No. 8683 of 2023
Prof. Sadhan Chakraborti
Versus
The State of West Bengal & Ors.

Mr. Arunangshu Chakrabarti,
Mr. Arijit Bera,
Ms. Geniya Mukherjee,
Ms. Zeba Rashid.

...For the petitioner.

Mr. Asish Kumar Guha,
Mr. Naren Ghosh Dastidar.

...For the State.

Mr. Srijib Chakraborty,
Ms. Shrabani Banerjee,
Ms. Shaika Amrin

...For the respondent no.4.

1. Affidavit of service filed in Court is taken on record.
2. The writ petitioner is the Vice Chancellor of Kazi Nazrul University located at Asansol.
3. The Vice Chancellor complains that he is being prevented from entering into the University premises and consequently is unable to discharge his duties. The obstruction is a consequence of protest and/or *dharna* staged by certain contractual employees against whom steps have been taken by the University.
4. In the recent past, the Registrar of the University was also removed under the order of the Vice Chancellor. The removal has been interfered with at the interim stage by a Co-ordinate Bench and upheld by the Division Bench of this Court.

5. This Court is of the view that while the right to protest is a guaranteed right under the Constitution, the same cannot interfere with the functioning of an organisation much less an educational institution like a University.
6. The protest and/or *dharna* by the concerned persons shall be shifted to a distance at least 50 meters away from the main gate of the University.
7. The Commissioner, Assansol-Durgapur Police commissionerate is requested to ensure that the aforesaid order is complied with by the protesting persons immediately. In default, the Commissionerate itself shall be entitled to shift the temporary structure, set up by protestors, by applying appropriate force for non compliance of the Court's order and directives of the Police.
8. The Police shall be at liberty, if necessary, to register appropriate case against the concerned persons.
9. The Commissionerate shall also put in place measures to ensure that the free egress and ingress to the University, for the Vice Chancellor administrative staff, teaching and non-teaching staff and students is not in any way prevented, obstructed or restricted by any quarter.
10. For the aforesaid purpose, the Commissioner of Police, Assansol-Durgapur Police Commissionerate

may, inter alia, post a police picket for a period of at least one week near the gate of the University.

11. This Court has not gone into the question as to whether the Deputy Registrar can represent the University. The matter may be addressed appropriately in future.
12. Since no affidavit has been used by the respondents, the allegations made in the writ petition shall not be deemed to have been admitted by any of the respondents.
13. The writ petition is disposed of.
14. There will be no order as to costs.
15. All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)