

WPA 12049 of 2023**Prof. Sadhan Chakraborti****Vs.****The Hon'ble Chancellor, Kazi Nazrul University & Ors.**

Mr. Jayanta Mitra, Sr. Adv.

Mr. Srijib Chakraborty,

Mr. Aditya Mondal,

Mr. Deeptangshu Kar,

Ms. Shaika Amrin

...for the Petitioner

Mr. Joydip Kar, Sr. Adv.

Mr. Billwadal Bhattacharya,

Mr. Pijush Biswas,

Mr. Pushpasis Gupta,

Mr. Chiranjib Sinha,

Mr. Abhisek Baran Das

...for the Respondent Nos. 1 & 3-5.

Mr. Soumendranath Mookerjee, Sr. Adv.

Mr. Sirsanya Bandopadhyay,

Mr. Arka Kumar Nag

...for the State

The petitioner was appointed by the Chancellor of Kazi Nazrul University under Section 9.(5)(b) of The Kazi Nazrul University Act, 2012 in consultation with the Minister. The relevant part of the said appointment letter dated February 28, 2023, is quoted below:

“Now, therefore, in exercise of the power as Chancellor Kazi Nazrul University under Section 9(5)(b) of the Kazi Nazrul University Act, 2012 and in consultation with the Minister, I hereby appoint Prof. Sadhan Chakraborti, as interim Vice Chancellor for a period of three (3) months or till the appointment of a regular Vice Chancellor, whichever is earlier to exercise the powers and perform the duties of the Vice Chancellor, Kazi Nazrul University. However, the interim Vice Chancellor shall consult and seek prior concurrence of the Chancellor before taking policy decisions involving financial implications.”

The relevant Section of the said Act reads:

“9.(5) (b) a vacancy occurs in the office of the Vice-Chancellor by reason of death, resignation, removal, expiry of the term of his office or otherwise, then during the period of such temporary inability or pending the appointment of a Vice-Chancellor, as the case may be, the Chancellor, in consultation with the Minister, appoint a person to exercise the powers and perform the duties of the Vice-Chancellor.”

Subsequently, the Chancellor by a letter dated May 13, 2023, withdrew the said letter of appointment dated February 28, 2023. It was observed in the said letter that the petitioner had failed to perform the duties of Vice-Chancellor.

I accept the submission of Mr. Mitra, learned senior advocate appearing for the petitioner that the petitioner, a distinguished academician, who has discharged the duties as Vice-Chancellor for about eight years, should not have received such a letter containing such allegations without any opportunity of hearing.

Fortunately, the dispute has been resolved amicably.

It has been submitted by Mr. Kar, learned senior advocate appearing for the Chancellor that the office of the Chancellor shall withdraw the letter dated May 13, 2023, and communicate the withdrawal to the petitioner via e-mail in course of this day.

Mr. Mitra submits that the petitioner, in turn, shall

tender his resignation from the relevant assignment by tomorrow (19.05.2023) via e-mail.

The petitioner shall furnish a list of his personal belongings lying at the university premises and the Dean of Science Faculty of the University shall personally handover the said belongings to the petitioner at his residence within three days from date.

The university shall also settle all dues of the petitioner within a period of seven days from date.

WPA 12049 of 2023 is disposed of.

Let a plain copy of this order duly countersigned by the Assistant Registrar (Court) be supplied to the parties.

(Kausik Chanda, J.)