

21.6.2023

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**WPA 12311 of 2023**

**Subhra Jyoti Das**

**Vs.**

**The Visva-Bharati & Ors.**

Mr. Anjan Bhattacharya

Ms. Anita Shaw

Ms. Taniya Khatun

... For the petitioner.

Mr. Victor Chatterjee

... For Visva-Bharati.

The petitioner is an Assistant Professor in the department of Philosophy and Comparative Religion at Visva-Bharati. He challenges a disciplinary proceeding initiated against him by the university.

The sole Article of Charge framed against the petitioner is quoted below:

*“Dr. Shubhra Jyoti Das had been asked to hand over all original files/reports/papers etc related to Ms. Minakshi Bhattacharya, research scholar of the Department of Philosophy & Comparative Religion to the Registrar within 5.30 pm on 18/04/2023, but he did not comply with the direction.*

*This kind of activity of his amounts to insubordination and may be termed as misconduct in his part as per the applicable*

*service rules, orders, resolutions etc of Govt. of India/UGC/Visva-Bharati.”*

On June 07, 2023 this Court noticed the trifling nature of the charge framed against the petitioner, which the university perceived to be an act of insubordination and directed the petitioner to hand over all the relevant documents as required by the university to the Vice-Chancellor within 24 hours.

Today, learned advocate appearing for the petitioner submits that the petitioner has complied with the order dated June 07, 2023 by submitting all necessary documents to the Vice-Chancellor on June 08, 2023.

The said fact is not disputed by the University. The University, however, argues that the act of indiscipline and insubordination cannot be condoned by handing over the documents to the university authorities after framing of the charge.

I have already indicated that the charge is too trivial to conduct a disciplinary proceeding against the petitioner. Having regard to the fact that the petitioner has handed over all necessary documents, I do not see any justification to continue with the present disciplinary proceeding against the petitioner.

Accordingly, the disciplinary proceeding initiated against the petitioner following the order dated May 03, 2023 is set aside. Consequently, the suspension order

issued against the petitioner on the same date appearing at page 29 of the writ petition is also set aside. The University shall allow the petitioner to join his post within seven days from date.

Accordingly, **WPA 12311 of 2023** is disposed of.

Let a copy of the letter dated June 08, 2023 whereby the petitioner submitted relevant documents to the Vice-Chancellor be kept with the records.

(Kausik Chanda, J.)