

WPA 12522 of 2023
The Vice-Chancellor, University of Gour Banga & Anr.
Vs.
The State of West Bengal & Ors.

Mr. Amitava Chaudhuri,
Mr. Moniruzzaman,
Mr. N. Roy,
Mr. Chandan Chakraborty

...for the Petitioner

Mr. Debashis Basu,
Mr. Debopriyo Samanta,
Mr. Arun Bandyopadhyay

...for Union of India

Mr. Billwadal Bhattacharyya,
Mr. Sukanta Chakraborty

...for Respondent Nos. 2, 3 & 4

Mr. Billwadal Bhattacharyya, learned Deputy Solicitor General, appears for the National Commission for Scheduled Castes. He seeks time to take instruction in this matter. However, having regard to the facts involved in this case and I am inclined to dispose of this writ petition.

Petitioner no. 1 is the Vice-Chancellor of Gour Banga University. By a notice dated May 12, 2023 issued by the National Commission for Scheduled Castes, Govt. of India, petitioner no. 1 was asked to appear personally before the said commission in connection with a complaint made by respondent no. 5.

From the perusal of the said complaint dated May 2, 2023, filed by respondent no. 5, it does not appear that there was any allegation made against petitioner no. 1. The allegations revolved around some other teaching staff of the university.

Mr. Amitava Chaudhuri, learned advocate appearing for the petitioner submits that in terms of the interim order dated May 19, 2023, the petitioner has made a representation before the Commission seeking exemption from his personal appearance. Such representation has not yet been considered.

The position of petitioner no. 1 is of importance and responsibility. Personal appearance of petitioner no. 1 before the Commission should not be insisted upon unless, there are compelling circumstances to do so.

In view of the above, this writ petition is disposed of with a direction upon the National Commission for Scheduled Castes, Govt. of India to consider the prayer for exemption of personal appearance of petitioner no. 1 in the light of this order within a period of one month from the date of communication of this order. In the event, the Commission decides to exempt his personal appearance, the Commission may direct the university to depute a competent authority before the Commission to effectively enquire into the allegations made by respondent no. 5.

Accordingly, **WPA 12522 of 2023** is disposed of.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Kausik Chanda, J.)