

MAT 1687 of 2022
with
IA No. CAN 1 of 2022
CAN 2 of 2022

Visva-Bharati
vs.
Shrabanti Ganguly & Ors.

Mr. Victor Chatterjee

....for the Appellant

Mr. Anjan Bhattacharya

....for the respondent/ writ petitioner

Party/Parties is/are represented in the order of
their name/names as printed above in the cause-title.

In Re: CAN 1 of 2022

Mr. Chatterjee, learned Counsel appearing for
the appellants submits that there is a delay of 35 days
in filing this appeal.

The delay has been sought to be explained by
filing CAN 1 of 2022.

Prayer is made on the basis of the cause shown
in CAN 1 of 2022 (*supra*) for condonation of such
delay.

Mr. Bhattacharya, learned Counsel, appears for
the respondent/the writ petitioner.

Heard.

Considered the cause shown.

The cause shown is found to be sufficient.

Accordingly, the delay stands condoned.

The appeal be now treated to be formally on board along with its connected stay application.

CAN 1 of 2022 stands thus **disposed of**.

In Re: MAT 1687 of 2022
with
CAN 2 of 2022

Mr. Chatterjee, learned Counsel appears for the appellant/Visva-Bharati University (for short the University).

The respondent/the writ petitioner is represented by Mr. Bhattacharya, learned Counsel.

Under challenge is the order of the Hon'ble Single Bench dated 8th July, 2022 passed in the writ petition being WPA 6331 of 2020. By the said order impugned the Hon'ble Single Bench noticed that the Enquiry Proceedings initiated against the writ petitioner on the basis of a show-cause notice issued by the Registrar (Acting) of the said University. There is no iota of evidence regarding the involvement of the writ petitioner in the preparation and disbursement of alleged fake bills in the name of Bapi Das.

This Court has been taken through the contents of the Enquiry Proceedings by learned Counsel for the appellant. From the contents of the Enquiry

Proceedings it does transpire that the conclusion drawn by the Hon'ble Single Bench with regard to the lack of evidence on the involvement of the writ petitioner in the alleged preparation of fake bills and disbursement of amount is well defined. By way of illustration this Court refers to the following Paragraph of the Enquiry Report, which reads as follows:

“Sri Ganesh Ghosh, Sri Subir Goswami and Sri Panchanan Khan are responsible for the preparation of fake bills in the name of Bapi Das, signing over the bills as Bapi Das, getting approved by the Principal, submission of the bills, receiving payments and its disbursement.”

Although, Mr. Chatterjee submits that there are several other persons working in Bhasha Bhavana who have been alleged to be involved in the aforementioned illegal activity, this Court must notice from the contents of the report of the Enquiry Committee that nowhere does the name of the writ petitioner appears in the act of commission and or omission of the alleged fake preparation of bills and disbursement of amount.

Mr. Bhattacharya, learned Counsel appearing for the respondent/writ petitioner supports the order of the Hon'ble Single Bench.

Having heard the parties and considering the materials placed, this Court find no reason to intervene in the order passed.

However, since the Hon'ble Single Bench has already granted back wages to the petitioner, litigation cost of Rs.20,000/- stands modified to the extent that the University shall pay Rs.10,000/-to the respondent/writ petitioner as litigation costs.

All parties to act on a server copy of this order downloaded from the official website of the Court.

(Supratim Bhattacharya, J.)

(Subrata Talukdar, J)