

18.10.2023
SL No.25
Court No.8
(gc)

**MAT 1917 of 2023
CAN 1 of 2023**

**Prof. Sadhan Chakraborti
Vs.
The State of West Bengal & Ors.**

Mr. Arunangshu Chakrabarty,
Mr. Arijit Kr. Bera,
Ms. Geniya Mukherjee,
Ms. Zeba Rashid,
Ms. Shrabanti Banerjee,
Ms. Shaika Amrin,
...for the Appellant.
Mr. Joydip Kar, Sr. Adv.,
Mr. Puspasish Gupta,
Mr. Pijush Biswas,
Mrs. Srijoni Chongdar,
...for the Kazi Nazrul University.
Mr. Soumya Majumder,
Ms. Sanjukta Dutta,
...for the Jadavpur University.
Mr. Amal Kr. Sen, A.G.P.,
Mr. Lalmohan Basu,
...for the State.

1. At this stage, we feel that Kazi Nazrul University represented by Mr. Joydip Kar, learned Senior Counsel is not required to be heard since we do not find any necessity to add Kazi Nazrul University in the writ petition.
2. Mr. Soumya Majumder, learned Counsel representing the Jadavpur University has submitted that they have filed an affidavit in which they have categorically stated that the Jadavpur University shall not be liable for any liability pertaining to the service

rendered in the Kazi Nazrul University and the said relief/release order was required only because the petitioner had been serving with the different employer.

3. With a view to decide whether the presence of Kazi Nazrul University is required, it is to be ascertained whether the petitioner would be entitled to a complete relief in absence of Kazi Nazrul University and whether any “no objection” certificate from the Kazi Nazrul University is a condition precedent for his joining the Department of Philosophy as a Professor of Philosophy in the Jadavpur University.
4. Kazi Nazrul appears to have many claim which may not be relevant in deciding the issue raised in the writ petition.
5. Unless the finding is arrived at that in resolving the issue, Kazi Nazrul University is a proper or necessary party, Kazi Nazrul University cannot be added. In absence of any reason being given for addition of Kazi Nazrul University, the impugned order is set aside.
6. The appeal succeeds.
7. Accordingly, the appeal and the application stand disposed of.

8. However, there shall be no order as to costs.

9. Urgent Photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.

(Uday Kumar, J.)

(Soumen Sen, J.)