

27.09.2023
Item No.875
Ct. No.17
S.A.

**WPA 27478 of 2022
with
CAN 1 of 2023**

**Prof. Pijush Kanti Ghosh
-vs-
Visva-Bharati & Ors.**

Mr. Anjan Bhattacharyya
...for the petitioner
Mr. Victor Chatterjee
Mr. Somdeep Chakraborty
...for Visva-Bharati

Re: CAN 1 of 2023

Sufficient cause has been shown by the petitioner for not appearing on 5th July, 2023 which is accepted. Therefore, the order dated 05.07.2023 is recalled after allowing the application and WPA 27478 of 2022 be restored to its original file and number.

CAN 1 of 2023 is disposed of.

Re: WPA 27478 of 2022

In respect of one disciplinary proceeding where the charge is only one against the petitioner who is holding a press conference in front of the Central Administrative building without approval and lodging of a police complaint has been held as an act for which major penalty has been imposed against the petitioner.

From the enquiry report vide page 92 of the Enquiry Committee it is found that the Committee held that there was no evidence to indicate that a

press conference was called by the petitioner along with another Professor but they found from the articles of the newspapers that the news item referred the name of the petitioner. Nobody from the said newspaper or any of the correspondence was called for adducing evidence that the source was the petitioner coupled with the fact that there was no evidence that there was a press conference held by the petitioner. Therefore, holding the petitioner responsible in respect of such charge is wholly illegal. But in the complaint before the police, the petitioner wrote something against the Vice Chancellor of the Visva-Bharati University which is offensive and using such words against the Vice Chancellor is really an offence. But it cannot be termed as such an offence for which major penalty can be imposed.

Therefore, the allegation of holding press conference and being the source of news as items published in the newspaper named therein are quashed. However, upon meticulous reading of the complaint to the police, this court of opinion that this charge of making some comments against the police which is signed by the petitioner, has been proved. Therefore, in such facts and circumstances, major penalty cannot be imposed upon the petitioner. The Karma-Samiti (Executive Council) is directed to consider the matter as to the words used by the

petitioner in the complaint (which he has signed) and under no circumstances, major penalty can be imposed upon him. However, if the Karma-Samiti is satisfied, they may decide again as to the indiscipline committed by the petitioner and this court is of opinion that no major penalty can be awarded to the petitioner.

With the above observation, the writ application is disposed of and the Karma-Samiti will sit again for deciding that part of the charge of writing something to the police with some unwarranted words against the Vice Chancellor.

Therefore, this matter is remanded partially after quashing the order as has been communicated by the Registrar dated 17.06.2022 (at page 86 Annexure-P/26 of the writ application).

(Abhijit Gangopadhyay, J.)