

26.02.2024
Item No.08
Court No.11
Avijit Mitra

**MAT 269 of 2024
with
IA No. CAN 1 of 2024**

**Minhajuddin & anr.
- Versus -
Isha Md. Chowdhury & ors.**

Mr. Abhrotosh Majumder,
Mr. Chandrachur Chatterjee
...for the appellants
Mr. Kamalesh Bhattacharya,
Mr. Rabiul Islam,
Mr. Raju Mondal,
Mr. Jayed Hossain,
Mr. Masooq Rahaman
...for the respondent nos.1 to 18
Mr. Pinaki Dhole,
Ms. Tapati Samanta
...for the State
Mr. Amitabrata Ray,
...for the University

The present appeal has been preferred challenging an order dated 10th January, 2024 passed by the learned single Judge in a writ petition being WPA No.22526 of 2022. By the said order, the decision of the Registrar of the University dated 26th August, 2022 was set aside and the University was directed to conduct a fresh hearing and to take a decision with regard to the change of the e-mail ID and the mobile phone number of the college for communication, in accordance with law, preferably within a period of two months from the date of communication of the order.

The order impugned appears to have been passed accepting the submission of Mr. Bhattacharya, learned advocate appearing for the writ petitioners/respondent nos.1 to 18 herein that their case could not be properly placed before the Registrar of the University being the respondent no.24 herein since on the said date, the writ petitioner no.2 could not appear before the said respondent, as she was suffering from illness.

Drawing our attention to the order dated 26th August, 2022 and the order impugned herein, Mr. Majumder, learned advocate appearing for the appellants submits that the writ petitioner no.2 remained absent at the time of hearing but all the documents furnished on behalf of the respondent nos.1 to 18 were duly considered by the respondent no.24 and the order was passed and as such the said order passed by the respondent no.12 ought not to have been set aside.

Records reveal that earlier by an order dated 19th September, 2023, the learned single Judge, to ensure that no difficulties are faced by the students of the said college towards admission/examination, appointed two Special Officers being Mr. Amanul Islam and Mr. Amitabrata Ray, learned advocate appearing for the University, to jointly create an e-mail ID and to intimate the same to the University authorities and the University authorities were asked to communicate with the college

and to conduct fresh examination through the said *e-mail* ID only.

Mr. Ray, learned advocate appearing for the University authorities, who is one of the Special Officers, submits that the University authorities are complying with the said direction, as contained in the order dated 19th September, 2023.

In the said conspectus, we are not inclined to interfere with the order impugned in the present appeal by which the University has been directed to conduct a fresh hearing and to take a decision with regard to the change of the *e-mail* ID and mobile number of the college for communication, in accordance with law.

However, we direct that till such final decision is taken and communicated to the parties by the respondent no.24, the University shall communicate with the college through the *e-mail* ID as created by the Special Officers. The order impugned is, accordingly, modified to the above extent.

Mr. Ray submits, upon instruction, that the respondent no.24 shall conduct the hearing, as directed, on 1st March, 2024 at 3.00 p.m. In view thereof, no further notice is required to be issued by the respondent no.24 to the parties since this order has been passed in presence of Mr. Majumder, learned advocate appearing for the appellants and Mr. Bhattacharya, learned advocate appearing for the writ petitioners/respondents.

The respondent no.24 shall conduct the hearing on the date, as fixed, and shall communicate the final decision to the appellants and the writ petitioners/respondents herein within a period of three weeks from date.

As the learned Special Officers would continue to function till a fresh decision is taken and communicated by the respondent no.24 to the parties and as earlier the remuneration of the Special Officers has been paid by the writ petitioners/respondents herein, we direct the appellants to pay to the Special Officers an amount of Rs.17,000/- each towards their remuneration within a week from date.

With the above observations and directions, the appeal and the connected application are disposed of.

There shall, however, be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the learned advocates for the parties.

(Partha Sarathi Chatterjee, J.) (Tapabrata Chakraborty, J.)