

10.04.2024
Item No.53
Ct. No.238
S.A.

WPA 7245 of 2024

Biswajit Dey
-vs-
Rabindra Bharati University & Ors.

Mr. Kishore Mukherjee
...for the petitioner
Mr. Soumya Majumder
Mr. Pratik Majumder
Mr. Kinnor Ghosh
...for the respondents

The petitioner is a student of Rabindra Bharati University enrolled for Ph.D. degree in Drama.

By an order dated November 19, 2022 the Registrar of the university debarred the petitioner from entering the university premises. The relevant part of the said order is quoted below :

“Though you have taken admission to the Ph.D Course under Prof. Somnath Sinha, yet your main occupation is business by encroaching heritage building. That you are running a xerox shop and Cheap Store in the name of your mother by occupying a room inside the Emerald Bower Campus without proper approval from the competent authority. You have occupied a room for political purposes. That you are running the Student Canteen without any formal permission from the competent authority. You are also occupying a room in the Club House adjacent to the field. You have been parking your car inside the

Campus without any permission for the last five years or so.

Also, serious allegations relating to stealing of logs from the Emerald Bower Campus and destruction of university properties during the Puja vacation have been made against you in PILs and FIRs have been lodged against you. That your active participation has been found in illegal construction made in the Salt Lake and Emerald Bower Campuses. Therefore, till the Police investigation is over, you are not permitted to enter into any of the three campuses, except when asked by your Supervisor with the prior approval of the Vice-Chancellor in connection with your ongoing research work. You are further requested to remove all your valuable items and belongings from the Campus within 7 (seven) days.”

Learned advocate appearing for the petitioner has drawn my attention to Annexure P-4 of the writ petition wherefrom it appears that afterwards he was allowed to enter the university campus for research work by the Dean of the relevant department. It is the grievance of the petitioner that despite such written permission, the petitioner is not being allowed to enter the university to complete his research work.

It does not, however, appear that any proceeding has been initiated against the petitioner by the university for the alleged acts.

As an enrolled student of the university the petitioner should be allowed to complete his research work. In my view, the order dated November 19, 2022 has practically suspended the petitioner from continuing with his research work. As per the applicable regulations of the university, a student can be suspended only by way of punishment upon conclusion of a proceeding initiated against him.

In that view of the matter, I dispose of this writ petition with a direction upon the university to allow the petitioner to enter the university premises to continue and complete his research work.

It is made clear that the petitioner will not indulge in any kind of illegal activities inside the premises. If any misconduct is noticed, the university will be at liberty to take proper steps against the petitioner. Needless to mention that this order shall not prevent the university from initiating any disciplinary measures against the petitioner.

Accordingly, **WPA 7245 of 2024** is disposed of.

(Kausik Chanda, J.)