

11.07.2024

ML- 95

(Dd)

WPA (P) 124 of 2024

Sri Swadesh Majumdar

Vs.

***The Hon'ble Chancellor, Rabindra
Bharati University & Ors.***

Mr. Soumya Majumder,
Mr. Pratik Majumder,
Mr. Kinnor Ghosh, Advocates
... ... For the University

Mr. Tapan Kr. Mukherjee, Id. Sr. adv.
Mr. Jayanta Samanta, Jr. Govt. Adv.
Mr. Somnath Naskar, Advocates
... ... For the State

None appears for the petitioner.

State and the University are represented.

Learned senior advocate appearing for the State draws the attention of the Court to the order dated July 8, 2024 passed in Special Leave to Appeal (Civil) No. 17403 of 2023. He submits that, the subject of the present Public Interest Litigation was dealt with by the Hon'ble Supreme Court by such order. He refers to the prayers in the writ petition as well as the directions issued by the Hon'ble Supreme Court in the order dated July 8, 2024. He invites the Court to dispose of the Public Interest Litigation in such circumstances.

We find from the records that the writ petitioner approached the Court with the following prayers :-

*"a) A Writ in the nature of quo-warranto
do issue calling upon the respondent No.6 herein
to show cause as to why he should not be*

ousted from the public office upon declaring his continuation in the office of the Vice chancellor of the university as illegal in view of the prohibition contained in the Rabindra Bharati University Act, 1981.

b) A Declaration that continuation of respondent 6 as authorized person to exercise power and function of the vice chancellor of Rabindra Bharati University is illegal.

c) A declaration that all decision taken and all Official orders issued by the respondent as without Jurisdiction and therefore void.

d) A Writ in the nature of certiorari commanding the respondents each one of them and their men, agents, assigns and subordinates to certify and transmit to this Hon'ble Court all records pertaining to illegal orders issued by respondent 6 after end of tenure as person authorized to exercise and perform the duties of the vice

e) Rune NISI in terms of prayers (a), (b), (c) and (d) above;

f) An order of injunction restraining the respondents No 6 in entering into the office of the Vice chancellor of Rabindra Bharati University;

g) Ad-interim order in terms of prayers (h) and (i) above;

h) Costs of an incidental to this application;

i) Make the Rule absolute if no cause or insufficient cause shown

j) Any other appropriate Writ and/or writs, direction/directions and/or order/orders as this Hon'ble High Court may deem fit and proper;

Present writ petition raises the issue of validity of appointment of Vice Chancellor for the Rabindra Bharati University.

Controversy relating to appointment of Vice Chancellors in State aided Universities is receiving the consideration of the Hon'ble Supreme Court in Special Leave to Appeal (Civil) No. 17403 of 2023.

Hon'ble Supreme Court in the order dated July 8, 2024 passed in SLP (Civil) No. 17403 of 2023 noted that there was approximately 35 State-aided Universities in the State of West Bengal where controversy exists with regard to appointment of Vice Chancellor. The Hon'ble Supreme Court formulated a mechanism by such order to find out suitable candidates for the purpose of appointment as Vice Chancellor of such State aided Universities.

The issues raised in the present writ petition apparently are issues in the Special Leave to Appeal (Civil) 17403 of 2023 in which Hon'ble Supreme Court passed the order dated July 8, 2024.

In such circumstances, no useful purpose will be subserved by keeping the present Public Interest Litigation pending. Moreso, the writ petitioner is no longer interested in proceeding with the present Public Interest Litigation.

WPA (P) 124 of 2024 is **disposed of** without any order as to costs.

(Debangsu Basak, J.)

(Partha Sarathi Sen, J.)