

D/L 5
03.09.2024
Bpg.
ct.no.35

W.P.A.11056 of 2018
With
CAN 1 of 2021

Premananda Mukhopadhyay and another
Versus
Union of India and others

Mr. Madhu Sudan Sarkar
Mr. S. Mandal.
Mr. M. Sarkar
...for the petitioners.

Mr. Partha Ghosh.
...for the Union of India.

Mr. Vishal Gupta
Mr. Sagnik Bhattacharya.
...for the respondent nos.4 to 7.

Mr. Sirsanya Bandopadhyay
Ms. Tapati Samanta.
...for the State.

Mr. Anil Kumar Gupta.
...for the U.G.C/respondent no.10.

Mr. Debnath Ghosh
Ms. Pubali Sinha Chowdhury.
...for the respondent nos. 11 and 19.

Mr. Kallol Basu
Mr. Kaushik Chatterjee
Mr. Tirthankar Dey.
...for the respondent nos.12 to 15.

Pursuant to the order dated 22.08.2024
wherein it was enquired from the learned advocate
appearing on behalf of the State as to whether in

connection with Electronics Complex Police Station Case No.92 of 2016 dated 17.07.2016 the Investigating Officer within the ambit of investigation carried out any process of ascertaining relating to the authority of respondent no.4 to award any degree. To that, learned advocate appearing on behalf of the State, on instructions, submitted that such issue was not covered in course of the investigation.

Learned advocate appearing on behalf of the petitioners drew the attention of the Court to page 87A of the writ petition wherefrom it reflects that the respondent no.4 in its “programme briefs” represented that they would award the degree to the students.

Learned advocate appearing for the UGC submits that the respondent no.4 is not authorised to award any degree.

Learned advocate appearing for the respondent nos.4 to 7 submits that the institute was affiliated to Mahatma Gandhi University and, as such, was authorized to award degree.

Mr. Ghosh, learned advocate appearing on behalf of the respondent nos.11 and 19 submits that the respondents had no connection with any regular performance or activity with the university/college

authorities being the respondent no.4 and they had held certain quiz shows.

In view of the fact that the basic issue which has not been investigated and the subject matter of grievance of the petitioners being that the petitioners were allured to part with money for being awarded a degree which the respondent no.4 was not authorised or empowered under the law and the police authorities did not investigate such issue in course of the investigation, I direct that the Investigating Officer would carry out further investigation in connection with the instant case taking into account amongst others issue relating to the respondent no.4 and its authority to award any degree or not.

The Inspector-in-Charge, Electronics Complex Police Station would, in the circumstances (if the earlier Investigating Officer is not available) endorse the case to a fresh Investigating Officer who would submit a progress report before the learned ACJM, Bidhannagar within a month from the initiation of the further investigation.

The petitioners would be at liberty to pray for a report in respect of the progress of the investigation before the learned ACJM, Bidhannagar.

With the aforesaid observations, WPA 11056 of 2018 along with connected application is disposed of.

Mr. Anil Kumar Gupta, learned advocate appearing for the respondent no.10 submits that his name has not been recorded in the order dated 22.08.2024.

Department is directed to incorporate his name in the order dated 22.08.2024.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

Urgent photostat certified copies of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Tirthankar Ghosh, J.)