

12 14.06.2024
NB Ct. 17

WPA 13818 of 2024

Gaurav Lama
Vs.
The State of West Bengal & Ors.

Mr. Dhananjay Nayak.
...for the petitioner.

Mr. Soumya Majumder,
Ms. Sanjukta Dutta.
...for the respondent nos.2to5.

Mr. Sirsanya Bandopadhyay,
Mr. Debopriyo Karan.
...for the State.

Affidavit of service filed on behalf of the petitioner is taken on record.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner is an Assistant Professor at the Department of History of the Presidency University. A complaint was made by two out of six students who were being supervised by the petitioner that the petitioner was having a bias against the two. At the time when the petitioner was on leave, the Department Academic Committee (DAC) took a decision to remove the supervisorship of the petitioner in respect of the said two students. The Head of the Department was very much aware that the petitioner was on leave. Besides, the original copy of the complaint was never supplied to the petitioner.

Learned counsel representing the University denies the allegations and submits as follows. The petitioner had replied to the notice given by the University. At the time of hearing, a video conference link was sent to the petitioner. But, he said

that they could not hear the others as a marriage ceremony was going on at the back. However, the decision was taken on merits after considering relevant materials.

Therefore, it is an admitted position that the petitioner was not heard by the Committee while considering complaints made by two students. Yet, a decision was taken for removal of the petitioner as supervisor for the dissertations to be prepared by the said two students.

This is a clear violation of the petitioner's right of hearing.

In view of the above, the impugned order dated 19.04.2024 passed by the Department Academic Committee is set aside and the matter is remanded back to the Committee for deciding the issue afresh after giving a proper opportunity hearing to the petitioner.

Let the decision be taken by the Committee in accordance with law and as expeditiously as possible, preferably within a period of four weeks from the date of communication of this order.

The University shall also provide a copy of the complaint to the petitioner at the earliest.

However, in the interest of justice in the meantime the assessment of the papers of the said two students would not be made by the petitioner. The University shall be at liberty to appoint an external Examiner for the said purpose.

With these observations, the writ petition is disposed of.

Urgent photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

(Jay Sengupta, J.)