

HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

Present:

THE HON'BLE JUSTICE JAY SENGUPTA

WPA 19418 of 2024

Biswajit Dey
Versus
Rabindra Bharati University & Ors.

For the petitioner	:	Mr. Ahitagni Dey
For the University	:	Mr. Soumya Majumder Mr. Pratik Majumder Mr. Kinnor Ghosh
Heard on	:	30.08.2024
Judgment on	:	30.08.2024

JAY SENGUPTA, J:

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 a student of Rabindra Bharati University enrolled for PH.D degree. The University authorities had made wanton allegations against the petitioner

and debarred him from entering the University premises by an order dated 19.11.2022. The petitioner was constrained to approach this Court. By an order dated 10.04.2024 passed by a Co-ordinate Bench of this Court in WPA 7245 of 2024, it was held that the University must allow the petitioner to enter the University premises to continue and complete his research work. However, it was made clear that the petitioner would not indulge in any kind of illegalities. If any misconduct was noticed by the University, they were free to take steps. The University was also granted liberty to take disciplinary measures, if required. However, the University did not do so. By a resolution dated 03.05.2024, it was decided that in view of the judgment passed by the High Court, the petitioner was granted permission to access library only for academic and research purpose subject to permission from the competent University Authority. This is a clear act of contempt and violation of the order passed by this Court. The University had no right to qualify the order passed by the High Court. It was made clear by this Court that the petitioner was to enter the University premises to continue and complete his research work. This cannot be limited only to access to the library. The petitioner would often require to meet the research guide and other professors for consultation regarding his research work, among other things.

Learned counsel appearing on behalf of the University denies the allegations made in the writ petition and submits as follows. The University has not prevented the petitioner from accessing any portion of the University premises. The resolution was taken because the prime purpose for entering the University would be to access the library for the relevant research work. In any event, the petitioner's research guide has retired some time ago. So, there is no question of entering the University premises for meeting the research guide. In fact, the petitioner needs to make an application for a fresh research guide. The petitioner has also attended all relevant RAC meetings.

I have heard the submissions of the learned counsels for the parties and have perused the writ petition.

By an order dated 10.04.2024 passed in WPA 7245 of 2024, a Co-ordinate Bench of this Court held as under:

“ 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.”

No appeal has been preferred against the order passed by the Single Bench.

Therefore, it was made clear that the petitioner should be allowed to access the University premises to continue and complete his research work.

Even if one goes by the arguments advanced on behalf of the University, for making an application for another research guide, the petitioner needs to go to the University. It is also admitted that the petitioner has been attending RAC meetings as the same is also, presumably, required. Thus, it cannot be said that for completing the research work, the petitioner only needs to get an access to the library.

More than anything else, the University authorities have no power to qualify an order passed by this Court. This Court clearly stated that the petitioner would have access to the University premises, without mentioning that he would only have access to the library. Thus, the resolution passed was in violation of this Court's order and therefore, needs to be set aside.

The submission of the learned counsel for the University that the University has not prevented the petitioner from

accessing other portions of the University has no significance because it is not for the University to show mercy on the petitioner by allowing such access. This Court had granted to the petitioner access to the University premises for completing his research.

It is also made clear, what had been stated in the earlier order passed by this Court, that the University shall be at liberty to take appropriate action if the petitioner commits any illegality in the said premises.

In view of the above discussions, the impugned resolution of the University dated 03.05.2024 is set aside as being violative of an earlier order passed by this Court.

No further order need be passed in this regard.

With these observations, the writ petition is disposed of.

Urgent Photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Jay Sengupta, J)