

July 5, 2024
AD 16
Ct. 17
SG

WPA 18715 of 2023

Dr. Achina Kundu
vs.
The State of West Bengal and others

Mr. Soumya Majumder
Mr. Souvik Nandi
Mr. Indranil Nandi
Mr. Shankar Prasad Dalapati
Mr. Sayak Konar
... for the petitioner.

Mr. Biswabrata Basu Mallick
Mr. Biman Halder
... for the State.

Mr. Indranil Ray
Ms. Rinku Pachhal
... for the respondent Nos.3, 5 & 6.

Report filed by the State is taken on record.

Learned counsel for the petitioner submits as follows. The petitioner was a Reader at the Jogesh Chandra Chaudhuri Law College. She wanted voluntary retirement. But, as the college authorities did not take any decision on the same, she preferred to tender her resignation on 05.10.2023. She learnt that on the very same day, an application filed by a student of the college alleging that some professors including the petitioner did not have requisite qualifications to teach in the college. A Coordinate Bench of this Court terminated service of those teachers including the petitioner without even issuing any notice to them. This order has now been set aside by the Division Bench. The matter was remanded back for fresh consideration. So, the issue of termination does not exist any more. The governing body of the college has failed to convene a meeting

and accept the resignation of the petitioner and relieve her from duties till date.

Learned counsel for the other college authorities except the President of the governing body i.e., the respondent Nos.3, 5 and 6 submits that for sometime the governing body meeting could not be held. However, all endeavour would be made to have the meeting held in order to consider the issue of resignation of the petitioner at the earliest.

It appears that the governing body of the college has caused undue delay in considering the question of resignation of the petitioner from the college.

Therefore, the President and the Secretary of the governing body being the respondent No.4 and 5 herein shall take all steps to convene a meeting of the governing body of the college at the earliest to consider the issue of the petitioner's resignation, preferably within three weeks from the date of communication of this order. The result of such consideration would be communicated to the petitioner within a week therefrom.

With these observations, the writ petition is disposed of.

A copy of this order shall be personally communicated to the president and the secretary of the governing body of the college within a week from this date.

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

[Jay Sengupta, J.]

