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ORDER SHEET

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

WPO/769/2024

PROF. SUSMITA NEOGI & ORS.
-Versus-
THE STATE OF WEST BENGAL & ORS.

BEFORE:

The Hon'ble JUSTICE RAJARSHI BHARADWAJ

Date : 14th August, 2024.

Appearance:

Ms. Chama Mookherji, Adv.

Mr. Anujit Mookherji, Adv.

Ms. Chandrani Ghosh, Adv.

Ms. Monisha Chatterjee, Adv.

Mr. Prithish Chandra, Adv.

..for Petitioners

Mr. Amitesh Banerjee, Sr. Standing Counsel

Mr. Debangshu Dinda, Adv.

... for the State.

Mr. N. Chatterjee, Adv.

...for Respondent No.5.

1. The present petitioners are the syndicate members of the University of Calcutta, professors and non-teaching staff of the said university. The petitioners have approached this Court owing to the inaction by the Officer-in-Charge of Jarasanko Police Station, Kolkata in not considering the complaints dated 02.08.2024 and 05.08.2024 as on both such dates some unknown persons and outsiders claiming to be students of the University of Calcutta obstructed the Vice Chancellor from entering the university campus.

2. Learned counsel for the petitioner submits that the Vice Chancellor of the University of Calcutta was appointed by the Chancellor and Hon'ble Governor of West Bengal on 31.05.2023. The Hon'ble High Court upheld this as a stop-gap arrangement in Sanat Kumar Ghosh v. The Chancellor, the University of Kalyani & Ors. on 28.06.2023. Moreover, a special leave to appeal was made before the Hon'ble Supreme Court being SLP (Civil) No.17403 of 2023, wherein the Apex Court did not interfere with the said order of the Hon'ble High Court but formed a Search Committee led by former Chief Justice of India, Justice U.U. Lalit.
3. On 02.08.2024, a syndicate meeting of the University of Calcutta was called by the Vice Chancellor at around 3.30 p.m. wherein some unknown persons claiming themselves to be students started protesting and confined the Vice Chancellor, the petitioners and other officials of the University in the syndicate room. The outsiders claiming themselves to be the students blocked the entry to the campus on 05.08.2024. On 06.08.2024, the Vice Chancellor was obstructed from entering the university campus and discharging her regular public duties and responsibilities attached to the office of the Hon'ble Chair.
4. Despite complaints, both in writing as well as over mobile phone before the Officer-in-Charge of Jarasanko Police Station on 02.08.2024 and 05.08.2024, the police took no action, jeopardizing the University's functioning and students' future.
5. Learned counsel for the petitioners relies on judgments in Kurukshetra University and Anr. v. State of Haryana and Anr. reported in AIR 1977 SC

2229, wherein the Hon'ble Supreme Court held that "The Special Leave Petition filed before us states in Paragraph 18 that after the judgment of the High Court it has become impossible for the University to maintain law and order in its campus as the police have been obdurately refusing to accept any complaint lodged by the University against ex-students and outsiders who enter the campus at any time of the day and night, and stay in the hostels without the necessary permission. It is the bounden duty of the police to record the complaints lodged by the University and to inquire into them in accordance with law" and in *Vijayakumar v. State of Kerala* reported in 2004 (2) KLT 267, wherein it has been held by the Court that "We are also of the view that students indulging in criminal activities inside the college campus are liable to be dealt with just like any other offender and if the situation warrants the police can enter the college campus without anybody's request or permission in order to prevent such criminal activities or to take action against persons who commit criminal offences. No special treatment can be meted out to them on the ground that they are students or that the offence is committed inside the college campus. However, considering that the college is a 'temple of learning' any action of the police inside the college campus shall, as far as possible, be with the knowledge of the Principal. In the name of strike or agitation or protest the students have no right to physically attack the Principal or the staff or the other students or to damage properties of the college."

6. Learned counsel appearing for the University of Calcutta being respondent No.5 in the instant application, referring to the judgment of Hon'ble Kerala High Court in Sojan Francis v. Mahatma Gandhi University, Kottayam and Ors. reported in (2003) SCC OnLine Ker 176, contends that institution does not endorse any form of political activism. Moreover, the students are prohibited from organizing or participating in any assemblies other than those officially sanctioned. Additionally, students engaging in strikes are expressly barred from entering the corridors or the classrooms. It is further submitted that on 06.08.2024, it was communicated to the Officer-in-Charge, Jorasanko Police Station vide Memo No. R-Occ(J)2024-2 that certain outsiders were creating tension and panic to all the stakeholder of the university and were creating hindrance to the functioning of the University. It was also mentioned in the said letter that such communication is to be treated as an F.I.R. However, no actions were taken by the police authority.
7. Referring to the judgment in Sojan Francis (supra), the respondent No.5 submits that "Once students are admitted to an educational institution they are bound by the code of conduct laid down by the educational institutions through the prospectus or college calendars and it is implicit that they should observed the code of conduct necessary for the proper administration and management of the institution. Restrictions are only reasonable and designed to promote discipline in the educational institution so that the objectives of the educational institution could be achieved and wisdom of laying down those restrictions cannot be

challenged by the students after getting admitted to the educational institutions”.

8. Mr. Banerjee, learned senior standing counsel appearing for the State files a report. From the report, it can be seen that:-

“On 02.08.2024 at about 21:30 hrs. an information was received from Calcutta University authority that a group of students were opposing a syndicate meeting chaired by the VC inside the C.U. campus and they have sat on demonstration as a result of which the VC and other members of the syndicate meeting could not walk out of their office. On receipt of the complaint, Police from Jorasanko P.S went to the C.U. campus and ensured that there was no law and order problem. Communication was made with both the agitating students and C.U. authority and finally after prolonged discussion, the V.C. came out with other syndicate members from her office and left the C.U. campus in her car peacefully at about 12.05 hrs.

Subsequently, on 05.08.2024 at about 15:15 hrs. complaint was received from the Registrar of C.U. that a group of outsiders and some students were showing protest against the V.C. inside the back gate of the campus of C.U. On receipt of the complaint, the Police personnel of Jorasanko P.S. reached at the campus. There was a gathering of students of C.U. who were holding a demonstration at the back gate of the campus against the V.C. The V.C. was sitting in her car and was found not to be confined within the campus. The agitators were giving slogans in support for their charter of demands.

In the meantime the members and supporters of C.U. Employees Association (CUEA) assembled inside the campus to show their support for the V.C. They were shouting slogans for their demands.

The group of students and the members and supporters of 'CUEA' were staging protest opposing each other demands. Police personnel showed utmost patience and were engaged to pacify both the groups so that no untoward incident occur which may deteriorate the law & order situation

inside the campus. In case of student agitation special care is given to subside the agitation.

Then communications were made with all the stakeholders including the V.C. and the Registrar of C.U. and finally the V.C. left the campus in her car at about 20:05 hrs.

It is pertinent to mention here that Calcutta University has their own private security agency to ensure that no unauthorised persons or outsiders could get access inside the campus.

When Police reached the College Street Campus there was a gathering inside the campus and there was no one to identify who were students and outsiders and it was not possible for police to identify and segregate them.

Moreover in case of educational institution Police try to pacify the situation through dialogues and take every possible step so that law and order situation does not go out of hand.

A specific case has been registered over the incident on 05.08.2024 on the basis of complaint of Prof. (Dr.) Debasis Das, Registrar, C.U. against unknown persons vide Jorasanko PS Case no. 145 dt. 07.08.2024 U/S-126(2)/221/3(5) BNS. Investigation of the case is on progress.

However, it is fervently submitted that Officer in Charge of Jorasanko PS, Kolkata is duty bound to strictly comply with any order from Hon'ble High Court, in this regard."

9. Heard learned counsel for the parties and perused the petition as well as the report filed by the State. Considering the submission of learned counsel for the Calcutta University with reference to the judgment in Sojan Framcis (supra), this Court hereby directs the police authorities to take immediate and appropriate action to abate any incident of disruption within the University premises. It is further ordered that no outsider shall be permitted to enter or engage in activities within the University premises ensuring maintenance of orderly and conducive educational

environment. Moreover the Vice Chancellor is to conduct all administrative work in the Darbhanga Building without any interference from outsiders including ingressing and egressing the University premises for attending official duties. The University administration is directed to rigorously enforce regulations prohibiting unauthorized assemblies and political activities by outsiders inside the campus. The police authority shall further ensure adequate protection to the Vice-chancellor of the University and to take immediate and necessary steps to ensure protection of the officials and students of the University. The students are also requested to maintain order and ensure uninterrupted functioning of academic activities of the University.

10. The writ petition being WPO 769 of 2024 is disposed of.
11. No order as to costs.
12. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(RAJARSHI BHARADWAJ, J.)

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