

HIGH COURT AT CALCUTTA  
CONSTITUTIONAL WRIT JURISDICTION  
APPELLATE SIDE

**Present:**  
**THE HON'BLE JUSTICE JAY SENGUPTA**

**WPA 1108 of 2025**

*Dr. Rudra Nath Chatterjee*  
Vs  
*The State of West Bengal and others*

|                          |   |                                                               |
|--------------------------|---|---------------------------------------------------------------|
| For the petitioner       | : | Mr. Ramen Bose                                                |
| For the State:           |   | Mr. Swapan Kumar Datta<br>Mr. Dipankar Das Gupta              |
| For the WBUA & FS:       |   | Mr. Amitava Chaudhuri<br>Mr. N. Roy<br>Mr. Pradipta Siddhanta |
| For the respondent No.8  |   | Ms. Dipika Banu<br>Ms. Zinia Mukherjee                        |
| For the respondent No.10 |   | Mr. Satadip Bhattacharya<br>Mr. T. Kankania                   |
| Heard on:                |   | 24.01.2025                                                    |
| Judgment on:             |   | 24.01.2025                                                    |

**JAY SENGUPTA, J:**

This is an application, inter alia, challenging the appointment of Professor Dr. Tirtha Kumar Dutta for the post of Vice Chancellor of the West Bengal University of Animal and Fishery Sciences (WBUAFS) as per notification No.3641/AD/O/U-61/2019 dated 17.12.2024 issued by the Additional Chief Secretary, Animal Resources Development Department, Government of West Bengal.

Learned counsel for the State raises an initial point of maintainability. He submits that the issue of appointment of Vice Chancellor to the University in the State of West Bengal is pending before the Hon'ble Supreme Court. By an order dated 08.07.2024 passed by the Hon'ble Apex Court in SLP (Civil) No.17403 of 2023, it was specifically directed that the learned Chairperson was authorised to constitute separate or joint Search-cum-Selection Committee for one or more Universities. The Search-cum-Selection Committee was prepared a panel of at least three names (alphabetically and not in order of merit) for each University. The recommendation made by the Search-cum-Selection Committee duly endorsed by the learned Chairperson would be put up before the Chief Minister for the consideration. In case the Chief Minister had reasons to believe that any short-listed person was unsuitable for appointment as Vice Chancellor, the remarks to this effect along with supporting material and the original records should be put up before the learned Chancellor within two weeks. The Chief Minister would be entitled to recommend the shortlisted names for appointment of Vice Chancellor.

The learned Chancellor was to accord his approval (save and except when there is a different of opinion) within two weeks of receipt of file from the Chief Minister. The Department of Higher Education was directed to notify the appointment within one week from the date of receipt of approval. In case where the Chief Minister of the State objected to the inclusion of any name in the panel and such objection was not acceptable to the Chancellor or where the Chancellor had objection against empanelment of any particular name for which he assigned his own reasons, all such files were to be put up before the Hon'ble Apex Court. It was made clear that the final decision in this regard would be taken by that Court. The State of West Bengal was directed to file status report before the Court. If any objections were raised regarding selection process, the same were to be placed before the Hon'ble Apex Court only.

Learned counsel for the University adopts the submission of the State and submits that the next date of hearing before the Hon'ble Apex Court is fixed on 05.02.2025.

Learned counsel for the petitioner submits as follows. The petitioner had applied for the post of Vice Chancellor. He has found that there is flagrant violation of the UGC Rules in pursuing advertisement for the post. According to Memo dated 26.07.2024, the selection process for the post of Vice Chancellor should be through proper identification of a panel of 3 to 5 persons by Search-cum-Selection Committee, through a public notification or nomination or a talent search process or a combination thereof. The members of such Search-cum-Selection Committee would be persons of eminence in the sphere of higher education and shall not be connected in

any manner with the University or its colleges. In the instant case, a member of the Selection Committee viz, Dr. Purnendu Biswas, a former Vice Chancellor of the said University and is at present drawing pension for such service. So, he would be deemed to be connected with the University at the present.

Learned counsel for the respondent No.10 submits that he has been wrongly implicated in this writ petition.

First, the expression used in the advertisement is that the members of the selection “shall not be connected” in any manner with the University concerned or its colleges. Treating a prior engagement with the University as amounting to present connection would perhaps be too farfetched, regardless of the issues of either the petitioner’s locus or his participation in the process.

Be that as it may, in view of the principles of judicial discipline this Court cannot go into the question of whether there was any violation of the relevant rules or norms by any of the parties in the Search-cum-Selection Process. After all, the Search-cum-Selection Process is being/has been undertaken as per the directions of the Hon’ble Apex Court and the Hon’ble Court is in seisin of the matter. The next date is fixed on 05.02.2025.

Moreover, the Hon’ble Supreme Court had made it clear in its order that a final decision in this regard would be taken by the Court after giving reasonable opportunity of being heard to the objectors.

In fact, these were known to the petitioner as he had himself annexed a copy of the above referred order dated 08.07.2024.

In view of the above discussions, the writ petition is dismissed as not maintainable before this Court in the facts and circumstances of the present case. However, there shall be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

**(Jay Sengupta, J)**

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