

10.06.2025
Item No.21, ML
Court No.17
AJ.

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION**

W.P.A. 17877 of 2024

Tarit Roychowdhury

-Vs-

Jadavpur University & Ors.

Ms. Ashmita Chakraborty,
Mr. Kanakendu Chatterjee,
Ms. Snigdha Saha.
.....for the petitioner.

Ms. Sanjukta Dutta.
....for the Jadavpur University.

Affidavit of service filed on behalf of the petitioner
be kept with the record.

The petitioner is an Associate Professor in the School
of Environmental Studies at Jadavpur University.

The promotion of the petitioner to the post of
Professor (Stage V) became due in the year 2017. He,
however, on July 08, 2022, had applied for the said
promotion under the Career Advancement Scheme (CAS).
The petitioner, to know the fate of his said application, had
applied under the Right to Information Act, 2005, in
response, the University vide letter dated March 21, 2024
had informed the petitioner that his promotion has been
withheld due to the ongoing enquiry against him.

The Executive Council of the University by a
resolution dated May 24, 2024 had decided that a
committee under the Chairmanship of Professor Subenoy
Chakraborty, Department of Mathematics and Former Dean
and Mr. Atikur Rahaman, Accounts Officer as a Presenting
Officer be constituted to enquire into the matter of the

petitioner with regard to the payment of 3rd and 4th installments of two research projects sanctioned by Bankura Water Supply Division, Public Health Engineering Department, Government of West Bengal. It was further decided that after disposal of both the matters, the said Report of the Enquiry Committee and the prayer of the petitioner for sanction of CAS shall be considered.

The University, pursuant to the said resolution, by a notice dated July 05, 2024 had informed the petitioner regarding constitution of the said Enquiry Committee and had requested the petitioner to submit the following documents viz. 1) Sanction Order of the Project, 2) Utilization Certificate of the payment for 1st and 2nd installment, 3) Tender papers along with work order given for the works done in connection with 3rd and 4th installment and 4) Technical report if project is completed.

The petitioner is challenging the aforesaid resolution dated May 24, 2024 and the subsequent communication of the University dated July 05, 2024.

Ms. Chakroborty, learned Counsel for the petitioner submits that though there was an enquiry, no disciplinary proceeding has been initiated against the petitioner till date, therefore, due promotion of the petitioner cannot be denied only on the ground of pendency of some enquiry.

Ms. Dutta, learned Counsel for the University on the other hand submits that prior to the present enquiry, a show cause notice dated December 04, 2018 was issued to the petitioner and in his reply, the petitioner had admitted the allegations against him, following which, the Executive

Council of the university, by its resolution dated May 28, 2019 had allowed the petitioner to make payments with respect to the said two research projects sanctioned by the Bankura Water Supply Division, Government of West Bengal.

Ms. Dutta further submits that in the report of the enquiry conducted against the petitioner with respect to another set of allegations, recommendations were made for different penalties to be imposed including initiation of disciplinary proceeding, but such disciplinary proceeding has not yet been initiated.

Heard the learned Counsel for the parties, perused the materials-on-record.

It appears that the Vice Chancellor of the University vide his letter bearing No. L3/LC/79/22 dated September 05, 2022 had set up an Enquiry Committee to conduct enquiry on different allegations against the petitioner and the said Committee, in its report dated May 29, 2023 had submitted the following **recommendations:-**

“1. Considering the issues of huge financial irregularities and embezzlement of public money, Dr. Roychowdhury should be booked for such type of repeated offence, following the University rules.

2. As this is criminal offence, it requires legal steps and processes leading to the disciplinary proceedings, as required under the specific provisions of the University.

3. The Laboratory should follow due administrative process for accepting the water samples for analysis. The agency or individual person should write a letter address to the Registrar for their nature of test with payment of requisite charges by way of Demand Draft in favour of the University ONLY. There should be a clear rate chart for

each sample analysis for external agency/incumbent. A lower rate chart may be followed for University employees or Scholars or student.

4. The cash transaction should be stopped immediately except in case of very special circumstances. In case of very special circumstances i.e. very value of the test and the incumbent is unable to pay by way of demand Draft, the formal receipt book of the University, as available in Finance department of the University, should be issued to each incumbent/agency against collection by cash.

5. If the incumbent or agency or organization is asking for analysis at free of cost or at subsidized rate, he should approach to the Registrar or Director of the School for approval of the same at free of cost or at subsidized rate. The Director/Registrar may allow the same after proper scrutiny of the document and status of the incumbent or agency or organization. On approval of the same the Laboratory should take up the job. If the Director is also the In-Charge of the Laboratory, then the approval for analysis at free of cost or at subsidized rate should be taken from the Dean of Faculty of ISLM or from the Registrar.

6. The Laboratory may also be used for the Research purpose of the University by the university Teachers and Students after payment of a lower rate of charges as mentioned in para (2) above.”

The recommendations have not yet been implemented and/or put into execution. The Enquiry Report suggests initiation of a disciplinary proceeding against the petitioner. The University is obliged to initiate such proceeding within a reasonable time if it accepts the Enquiry Report.

The University is granted **three weeks'** time to initiate such proceedings if it desires so. In the event, the University fails to do so, neither the Enquiry Report nor the pending inquiry by itself can operate as a bar to consider the prayer of the petitioner for promotion in accordance with law.

WPA 17877 of 2024 is disposed of with the above terms without any order as to costs.

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

(Biswajit Basu, J.)