

Form No. J (2)

**IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
APPELLATE SIDE**

Present:

The Hon'ble Justice Debangsu Basak

And

The Hon'ble Justice Md. Shabbar Rashidi

M.A.T. 1892 of 2024

IA NO: CAN/2/2024

Premananda Mukhopadhyay & Anr.

vs.

Union of India & ors.

For the Appellants : Mr. Madhusudan Sarkar, Advocate
Mr. Mousamjit Sarkar, Advocate
Mr. Sourav Mondal, Advocate

For the U.G.C : Mr. Anil Kr. Gupta, Advocate

For the State : Mr. Sirsanya Bandopadhyay, Sr. Standing
Counsel
Ms. Tapati Samanta, Advocate

For the Respondent
Nos.4, 5, 6 & 7 : Mr. Ratneswar Das, Advocate
Ms. Barnali Deka Das, Advocate
Mr. Vishal Gupta, Advocate

For the Respondent
Aniruddha
Banerjee : Mr. Partha Sarathi Mullick, Advocate

Heard on : 29.07.2025 & 13.08.2025

Judgment on : 13.08.2025

DEBANGSU BASAK, J.:-

1. Appeal is directed against an order dated September 3, 2024 passed in W.P.A. 11056 of 2018.
2. By the impugned order, learned Single Judge changed the Investigating Officer.
3. Learned advocate appearing for the appellants submits that, in the facts and circumstances of the present case, investigations are required to be undertaken by the Central Bureau of Investigation. He submits that, appellants took admission in a particular institute which claimed that, it will grant certain degrees on completion of an educational course. Appellants paid the amount required to be paid. Appellants on making such payment and undertaking the educational course became entitled to the promised degree. Appellants were not conferred with the promised educational degrees. Appellants lodged a complaint with the police. Police initially undertook investigation and submitted a final report as a mistake of fact.
4. Learned advocate for the appellants submits that, there was a direction for a fresh investigation. Even after fresh investigation, police submitted a final report as to mistake of fact. Thereafter, the

appellants approached the Writ Court in which the impugned order was passed.

5. Learned advocate appearing for the appellants submits that, in such factual matrix investigations by the C.B.I is warranted since State police is unable to unearth the crime and submit appropriate chargesheet before the jurisdictional Court.
6. State, University Grants Commission and the private respondents are represented.
7. Learned advocate appearing for the State submits that, during the pendency of the appeal, State approached the jurisdictional Court for reinvestigation which was granted. On conclusion of the reinvestigation, police submitted chargesheet before the jurisdictional Court. He makes over a copy of the chargesheet so submitted to the learned advocate appearing for the appellants in Court.
8. Learned advocate appearing for the educational institution submits that, the educational institution entered into an agreement with a particular University to confer certain degrees. Educational institution did confer those degrees in terms of such agreement. Therefore, the complaint as against the educational institution is frivolous.
9. Learned advocate for the private respondent who is an individual submits that, he was not employee of the educational institution.

10. Learned advocate appearing for the University Grants Commission submits on instruction that, the concerned University although recognized, stated that, it did not give the requisite permission to the educational institution involved.
11. In appeal, directed against an order passed by the Writ Court, we are not to hold any mini control with regard to the crime complained of. Police reinvestigated the case and submitted chargesheet. In the event, any of the persons involved in the criminal case including the de facto complainant are aggrieved by the chargesheet so submitted, there are statutory alternative remedies available for them to avail of.
12. We are not minded to direct investigation by the C.B.I since, police submitted chargesheet with the jurisdictional Court. The gravity of the offence also does not suggest requirement of replacing the investigating agency, moreso, when the police submitted chargesheet.
13. **M.A.T. 1892 of 2024** alongwith connected application are **disposed of** without any order as to costs.

(Debangsu Basak, J.)

14. I agree.

(Md. Shabbar Rashidi, J.)