

JPD 1-2
24.02.2025
Court No.19
SD

CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
APPELLATE SIDE

WPA 2517 of 2024
With
WPA 1018 of 2024
With
CAN 1 of 2024

Dr. Abdul Kader Safily
Vs.

Cooch Behar Panchanan Barma University & Ors.

Mr. Amales Roy, Sr. Adv.
Ms. Mousumi Bhowal
Mr. Aman Gupta
Mr. Ishan Bhattacharya

...for the Petitioner.

Mr. Joyjit Choudhury, Ld. AAG
Ms. Bedashruti Bose
Mr. S. Ganguly

...for the Respondent Nos1, 3-5
[in WPA 2517 of 2024].

Mr. Joyjit Choudhury, Ld. AAG
Ms. Bedashruti Bose
Mr. S. Ganguly

...for the Respondent Nos.1,3&4.
[in WPA 1018 of 2024].

The petitioner is the suspended Registrar of Cooch Behar Panchanan Barma University. The order of suspension dated May 10, 2024 is under challenge in WPA 1018 of 2024 and in WPA 2517 of 2024 the petitioner has prayed for quashing of the disciplinary proceeding pending against him. This Court is hearing both the matters analogously.

This Court by the order dated February 13, 2025 had directed the University to file an affidavit disclosing its stand regarding the challenges of the petitioner. In compliance with the said direction, Mr. Joyjit Choudhury, learned Additional Advocate General appearing on behalf of the University files an affidavit affirmed by the Acting Registrar of the University; let the said affidavit be kept with the record.

In paragraph 3 of the said affidavit, the University has opined that the suspension of the petitioner for more than six months was made without the sanction and approval of the Executive Council, an appointing authority and disciplinary authority for the post of Registrar and in paragraph 6 of the said affidavit, the University has suggested that to test the veracity of

the said order of suspension and justification of initiation of the disciplinary proceeding may be placed before the Executive Council at the earliest.

In view of such stand of the University, the order of suspension of the petitioner shall remain stayed till the final decision of the Executive Council and the further proceedings of the disciplinary proceeding shall also remain stayed till such decision.

It is made clear that the petitioner shall act as a Registrar of the University **on and from this day** until the further decision of the Executive Council.

WPA 2517 of 2024 and WPA 1018 of 2024 along with connected application being CAN 1 of 2024 are disposed of without any order as to costs.

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

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

(Biswajit Basu, J.)