

17.03.2026
Sl. No. 17
Ct No. 24
SG

WPA 4683 of 2026

**Prof. Dr. Sadhan Kumar Saha & Ors.
Vs
The State of West Bengal & Ors.**

Mr. Jaydip Kar, Sr. Adv.
Mr. Rammyani Ghosal,
Ms. Meenal Sinha.

...for the petitioners

Mr. Madhusudan Saha Ray,
Ms. Debangana Dey Nayak,
Mr. Debanjan Chatterjee.

...for respondent nos. 3 & 4

Mr. Vivekananda Bose,
Mr. Arkadipta Sengupta.

...for the State

Mr. Arka Mondal.

...for respondent no. 8

1. A most unfortunate situation has erupted. Academicians of repute, in a renowned university have engaged themselves almost in the nature of a street fight.
2. Mr. Kar, learned senior advocate appearing for the petitioners, who are all members of the Executive Council of the Gour Banga University (hereinafter the University) has raised two fundamental issues. First, that the vice-chancellor of the University has acted and continues to act in a manner not only not befitting the chair that he holds but also seeks to usurp powers unto himself which are statutorily barred.

3. The main grievance centres around the appointment of a person as the Registrar of the University on a temporary basis. The respondent no. 8 who is the librarian of the University had been given additional charge of the post of Registrar since 23.09.2025. On asking for leave for about 26 days from 16.02.2026 till 13.03.2026, the Vice-Chancellor granted the leave to respondent no. 8 and proceeded to appoint a person to the post of Registrar for a period of six months. This appointment, as contended by Mr. Kar is contrary to the statute as it ought to have been made with the approval of the executive council and not with any post-facto approval. This issue of post-facto approval arises under an emergent and/or an urgent situation as stipulated in the act and specified in Section 10(6) of the University of Gour Banga University Act, 2007 (hereinafter 'the Act').

4. The petitioners, whom Mr. Kar represents are members of the executive council. They are aggrieved that the powers vested to the executive council are being usurped illegally and unlawfully by the Vice-Chancellor on the pretext that such powers are being exercised by him as an emergent and/or urgent matter. Hence, he seeks annulment of the orders passed by the Vice-Chancellor, principally appointing three persons to three different posts in the University. The Registrar, the

Engineer and the Finance Officer are the posts which have been filled up by the Vice-Chancellor under Section 10(6) of the Act purporting to be under an emergent and/or urgent situation.

5. Mr. Bose, learned junior standing counsel appearing for the State refers to the appointment of the respondent no. 8 by an order dated 23.09.2025. These appointments, according to him were made at a time when the University was without a vice-chancellor and on invocation of Section 18 of the West Bengal Universities and Colleges (Administration and Regulation) Act, 2007 (hereinafter 'the Act of 2017'). These appointments were made for a period of six months. Thus, the appointment of respondent no. 8 is to expire on 22.03.2026 and any appointment in defiance of such an appointment made by the State, imminently the one by the Vice-Chancellor is bad from the very inception.

6. He further submits that the respondent no. 8 is to continue till 22.03.2026 in terms of the appointment of 23.09.2025, made by the State authorities and cannot be annulled, extended, altered or amended by any other authority, except the State, being the appointing authority in that case.

7. Dr. Saha Ray, appearing for the respondent nos. 3 and 4, submits that the appointments were made under peculiar circumstances inasmuch as the executive

council was non-functional at the time when he took charge on 18.11.2025. In fact, he submits that the two nominees of the chancellor, appointed sometime in June, 2025 were never put on notice and executive council meetings were held in their absence. Thus, to avoid any sort of disruptive activities, ostensibly by the council or the fragment that was existing as the council, he had undertaken to appoint the present incumbent to the post of Registrar on a temporary basis for six months.

8. He further submits that the petitioners are aggrieved on a personal ground and have approached this Court suppressing the fact that disciplinary action has been initiated against them.

9. Dr. Saha Ray further submits that the post of Registrar and Finance Officer are extremely important as they are joint signatories for any sort of disbursement which are to be made on behalf of the University. Thus, keeping the post or posts vacant even for a day would or may result in a complete standstill insofar as the administration of the University is concerned. This, according to the Vice-Chancellor gave rise to the urgent/emergent situation calling for immediate appointment of the present incumbent to the post of Registrar and also to the post of Finance Officer. The post of Finance Officer, as the incumbent appointed on 23.09.2025 was due to retire shortly.

10. Mr. Kar in his reply has not only disputed such facts, challenged the submissions of Dr. Saha Ray that disciplinary proceeding was initiated not in the normal course against his clients and the same was really made as a retribution upon filing of the present writ petition. He has also placed reliance on a decision of this Hon'ble Court in ***Nihar Mukherjee vs. University of Calcutta & Ors.*** reported in ***(1982) 1 CHN 399***.

11. He further submits that the quorum of the executive council was always there and had not been considered by the Vice-Chancellor.

12. I have heard the learned counsel appearing for the parties and perused the records as well as considered the decision relied upon by them. Few of the admitted facts are imperative to be reiterated before adjudicating the matter. The admitted facts are thus enumerated hereunder:-

- (a) The appointment of the respondent no. 8 along with three others was made on a temporary basis by the State Government on 23.09.2025;
- (b) The Vice-Chancellor has been appointed only on 18.11.2025 that is after the appointment of those three persons by the State Government under Section 18 of the Act of 2017;
- (c) The Vice-Chancellor had prior notice from January 21, 2026 that the respondent no. 8 was

in the process of taking leave from 16.02.2026 till 13.03.2026;

(d) The Vice-Chancellor also had prior notice as to the date of retirement of the then incumbent to the post of Finance Officer;

(e) The respondent no. 8 applied for leave only for 26 days.

13. On these admitted facts, the Vice-Chancellor's decision, even if they are taken on an emergent/urgent basis, have to be placed before the executive council in terms of Section 10(6) of the Act. The executive council which has now been fully formed and is functional has the power to override a decision taken by the Vice-Chancellor and refer the same to the Chancellor whose decision shall be final.

14. Bereft of this, the decision of the Vice-Chancellor to appoint any other person amending the order of appointment passed by the State Government on 23.09.2025 cannot be altered by any other person, except the appointing authority. The State Government will thus be at liberty to take any steps to set aside, challenge or rescind the order passed by the Vice-Chancellor in appointing such incumbents. These appointments of the Vice-Chancellor are clearly against the spirit of the order passed by the State Government upon invocation of Section 18 of the Act of 2017.

15. The State Government has not yet taken any steps to rescind and/or cancel the order of the Vice-Chancellor. However, this much is also to be considered and is indeed true that such posts as that of the registrar, finance officer or the engineer of a university cannot be left without an incumbent which would create an administrative mayhem and would directly impact the functioning of the university. This would be against the spirit of the work undertaken by the university, which is for benefit of the students.

16. The decisions taken by the Vice-Chancellor are open to be challenged and/or set aside by the State authorities in view of the aforestated discussions. However, in any event the Vice-Chancellor or the University will place these decisions before the executive council for its consideration and approval by March 30, 2026.

17. The decision relied upon by Mr. Kar, reported in 1982 CHN 399, considered the emergency powers of the Vice-Chancellor, who had proceeded to direct the suspension of the petitioners without following due process. It was in those circumstances that the Hon'ble Court had held that there were no sufficient circumstances or situation that could be termed as "emergent" to order the suspension of the petitioner by invoking emergency powers. In the instant case, there is

no such issue. The respondent no. 8 was holding the post of Registrar by way of additional charge until March 22, 2026, pursuant to the appointment by the State Government.

18. The question of the Vice-Chancellor invoking his emergency powers is subject to the sanction/approval of the Executive Council, which will consider the same once it is placed before it by the date mentioned above.

19. The petitioners have alleged that the Vice-Chancellor is taking regular steps to reserve power on the ground of urgent/emergent situation which has further been denied by Mr. Saha Ray appearing for the Vice-Chancellor. It is the case of the Vice-Chancellor that it is only these three cases of appointment to administrative position which have been taken on urgent basis and no further decisions have been taken. Thus, the Vice-Chancellor will not take any decision till 31.03.2026 on the ground of urgent/emergent situation and will place all issues before the executive council for their decision and approval.

20. This order will not create any equity either in favour of the present incumbents nor will it act as an assertion of any sanctity from this Court, if the State Government wishes to set aside the order in exercise of its power under Section 18 of the Act of 2017.

21. With the aforestated directions, the present writ petition is partially allowed and is accordingly disposed of.

22. Since no affidavits have been called for, allegations contained in the petition are deemed to have been denied.

23. There shall be no order as to costs.

24. Let urgent Photostat certified copy of this order, if applied for, be supplied to the parties on usual undertaking.

(Reetobroto Kumar Mitra, J.)