

05-03-2026
Item No.19
Subrata
Bhattacharyya
AR(C)

IN THE HIGH COURT AT CALCUTTA

Constitutional Writ Jurisdiction

Appellate Side

WPA No.5135 of 2026

Dr Himansu Kumar Bose

-vs-

State of West Bengal & Ors.

Mr. Kallol Basu
Mr. Neil Basu
Mr. Sankha Biswas
Mr. Aayushman Dasgupta
Ms. Oindrilla Sarkar
Ms. Avidipta Paul ...for the petitioner

Mr. Jayanta Samanta, JGA
Mr. Supriya Majumder ...for the State

Dr. Jyotirmoy Som
Mr. Archo Ghosh ...for the university (IGNOU)

1. The petitioner is aggrieved by the communication dated 15th February, 2026 made by the Registrar, Indira Gandhi National Open University (IGNOU) allegedly in compliance of the direction passed by this Court on January 8, 2026 in WPA No.28856 of 2025.
2. By the said order the Director of Public Instructions was directed to consider the representation made by the petitioner on September 23, 2025 and to take a reasoned decision thereof by February 15, 2025.
3. Learned counsel for the petitioner submits that without a decision being taken by the Director of Public Instructions, IGNOU vide its impugned communication dated February 15, 2026, relieved the petitioner from service of the University with

immediate effect.

4. The petitioner prays for setting aside the impugned communication. Interim relief, staying operation of the impugned communication dated February 15, 2026, has been sought.
5. Learned counsel for the State has obtained instructions from the Director of Public Instructions. It appears therefrom that a reasoned order dated February 24, 2026 has been passed by the authority. However, it has been fairly submitted that the said order has not yet been communicated to the petitioner.
6. Learned counsel for IGNOU submits that the University did not have any occasion to know the fate of the petitioner's application. In the absence of any communication from the Director of Public Instructions, the University took steps relying on documents available on record.
7. The aforesaid submission of the University cannot be accepted by the Court. It was the duty of the University to enquire and take information from the office of the Director of Public Instructions as to whether any reasoned order was passed and communicated to the petitioner. Till the reasoned order was passed and communicated to the petitioner, the University did not have any right to take any decision in the matter.
8. The Court, vide order dated January 18, 2026, specifically directed that till a reasoned decision is taken and communicated to the petitioner, the interim protection granted will continue.
9. As the reasoned order of the Director of Public Instructions was not made within the time specified by the Court i.e. February 15, 2026,

accordingly, the impugned communication of the University dated February 15, 2026 relieving the petitioner from the services of the University, cannot be made applicable in case of the petitioner, at this stage.

10. The reasoned order dated 24th February, 2026 has been handed over to the learned counsel of the petitioner in Court today.
11. The impugned communication of the University dated February 15, 2026 is, accordingly, directed to be kept in abeyance till March 12, 2026.
12. It will be open for the petitioner to take steps to challenge the reasoned order passed by the Director of Public Instructions in accordance with law, if so advised.
13. The writ petition stands disposed of.
14. All parties are to act on the server copy of this order duly downloaded from the official website of this Court.
15. Certified copy of this order, if applied for, shall be made available to the parties.

[Amrita Sinha, J]

