

IN THE HIGH COURT OF JUDICATURE AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

RESERVED ON: 14.05.2026

DELIVERED ON: 21.05.2026

PRESENT:

THE HON'BLE MR. JUSTICE REETOBROTO KUMAR MITRA

WPA 6468 OF 2026

KUNTAL GHOSH

- VERSUS -

INDIAN STATISTICAL INSTITUTE AND OTHERS

Appearance:

Mr. Kallol Basu, Ld. Adv.

Mr. Suman Banerjee, Ld. Adv.

..... for the Applicant/Petitioner

Mr. Kumar Jyoti Tewari, Ld. Sr. Adv.

Ms. Sayani Roy Chowdhury, Ld. Adv.

Mr. Aniruddha Tiwari, Ld. Adv.

Ms. Biswadeepa Mondal, Ld. Adv.

... for the Respondents

**Reetobroto Kumar Mitra, J.:**

1. The initiation of a disciplinary proceeding, against the petitioner is under challenge in the present writ petition. The proceeding is still at a nascent stage.
2. A brief enumeration of the facts is essential to appreciate the issue raised in this writ petition.
3. The petitioner is an associate professor in the Indian Statistical Institute (hereinafter, 'ISI'), the respondent no. 1.
4. The petitioner was part of a group of persons who had created mayhem while a meeting of the PiCH&D Committee was in progress in the office of the Director of ISI on October 7, 2025. To de-escalate the issue, the Officiating Director had relented and called for a meeting of 5 members from the group in the office of the Director. The petitioner was one of the five who attended the meeting with the Officiating Director. During the conversation/meeting, the petitioner became extremely aggressive and behaved in an abrasive and abusive manner. In fact, the



petitioner's conduct was allegedly derogatory, humiliating and almost hinged on violating the modesty of the Officiating Director, a lady.

5. Amongst others members present in the room, was the Deputy Director.
6. It is this Deputy Director who had subsequently lodged a complaint with the Officiating Director on October 15, 2025, which was duly received by the Officiating Director.
7. Though the Director is the designated Disciplinary Authority, since she was one of the central figures of the incident, she recused herself from the process and the procedure.
8. On her recusal, the Chief Executive Officer (Administration and Finance) of ISI with the approval of the Chairman of the Council of ISI issued a letter on November 11, 2025, intimating all concerned that Professor Pallab Banerji, Professor of IIT Kharagpur of Higher Administrative Grade (HAG) and a member of the Council of ISI had been appointed as the disciplinary authority (hereinafter the DA). This step had been taken with the approval of the Chairman, as the next highest authority in the organisational hierarchy as the



Officiating Director, the designated DA, had recused herself from the matter.

9. It is in these circumstances that Professor Banerjee, hereinafter respondent no. 5, as the DA had issued a show cause notice to which a reply was given by the petitioner on November 26, 2025, without in any manner challenging the jurisdictional capability or the authority of the respondent no. 5 to issue such notice. In fact, subsequent letters of December 15, 2025 and January 16, 2026 were also bereft of the allegation that the respondent no. 5 did not have any jurisdiction to initiate any action against the petitioner.
10. In the meanwhile, between the two replies of the petitioner of December 15, 2025 and January 16, 2026, the respondent no. 5 on January 9, 2026 had issued the chargesheet containing the articles of charge.
11. A notice was issued on March 11, 2026 by the respondent no. 5 through the Registrar of ISI that the first hearing would take place on March 18, 2026. The writ petition was filed on March 16, 2026.



12. It is these articles of charge and the mode and the manner in which the same were issued that have been questioned and challenged in this writ petition.
13. Kallol Basu, learned Advocate appearing for the petitioner, has primarily raised two issues, namely: (i) jurisdictional deficiency; and (ii) bias and premeditated mind of the Disciplinary Authority (DA):
- i. Re: Jurisdictional Deficiency:
- a. The jurisdictional deficiency of the Chairman of the Council to appoint the respondent no. 5 as the DA. Thus, since this appointment itself is bad, the entire proceeding is vitiated.
- b. The second limb of the jurisdictional issue emanates from the first limb, that the respondent no. 5, not being properly appointed cannot act as the DA on account whereof, any or all steps taken by him are dehors the provisions guiding the disciplinary proceeding and hence liable to be set aside.



- c. The jurisdictional deficiency stems from the fact that clause 10 of the Standing Service Order 1963 of the Indian Statistical Institute (hereinafter the said Order) read with Appendix II specifies that the disciplinary authority for the delinquent officer in the rank of the petitioner would be the Director and the appellate authority would be a person one stage above the Director. Thus the Director is the designated Disciplinary Authority for any disciplinary proceeding in respect of persons who are similarly situated as the petitioner.
- d. The Chairman of the Council ought not to have appointed the Officiating Director, in view of the provisions of the Indian Statistical Institute Act, 1959 which specifies that the Council which has to be constituted in terms of clause 5.5.1 consisting of several groups of representatives.



- e. Clause 5.3.6 specifies that it is the Director from amongst the officers of the institute who will be a part of the Council. The Officiating Director is not part of the council. There is no question therefore of an Officiating Director being appointed or being a DA in respect of such disciplinary proceeding as against this petitioner. Thus, the instant proceeding is completely vitiated.
- f. In terms of Clause 11.2.1 of the Standing Service Order 1963, proceeding for punishment referred under Clause 10.1 can be initiated in respect of a worker under whose direction and control the worker works. This should be the guiding provision in so far as the petitioner is concerned. The petitioner being an associate professor in the Machine Intelligence Unit, it is the head of the Machine Intelligence Unit or the divisional head who is the person under whose direction and control the petitioner works. Thus, it is this head of



the division who is empowered to initiate proceedings against the petitioner. The proceeding initiated herein has been done by a person appointed by the Chief Administrative Officer with the approval of the Chairman, which is clearly a violation of the aforementioned provision of Clause 11.2.1.

- g. The complaint on the basis of which the proceedings were initiated, is untenable. It is untenable as the complaint was not made by the Officiating Director against whom the allegation/charges have been leveled against the petitioner, but by a Deputy Director who was present when the incident occurred.

ii. **Re: Bias And Premeditated Mind Of The Disciplinary Authority (DA):**

- a. The articles of charge as framed in the charge-sheet are biased as the authority framing the charges had already made up his mind and



had proceeded with a closed mind that the petitioner was guilty of the articles of charge on account whereof the articles have been set forth in a manner to implicate the petitioner of the charges.

- b. The proceedings are also vitiated by the fact that the Officiating Director does not feature as a witness, in the list of witnesses as produced in the articles of charges, issued by the respondent no. 5 on January 9, 2026.
- c. The bias stems from the fact that the petitioner had challenged the appointment of the disciplinary authority, the respondent no. 5 herein on account whereof, the said respondent no. 5 had acted in a manner which is retributory in nature, which is apparent from the manner in which the articles of charge have been framed. The articles of charge have been framed with a closed and premeditated



mind that the petitioner is indeed guilty of the charges levelled against him.

d. The articles of charge are also vitiated in view of the fact that the charges proceeded to seek an explanation from the petitioner in regard to the Central Civil Services (Conduct) Rules, 1964 (hereinafter, 'CCS (Conduct) Rules'). Thus, the charges are bad since the CCS (Conduct) Rules do not apply to the petitioner in any manner whatsoever.

e. The petitioner relies upon the following judicial precedents in support of his case:

- i. B.S. Minhas vs Indian Statistical Institute & Ors., 1983 4 SCC 582, paragraphs 23 and 24;
- ii. Oryx Fisheries Pvt. Ltd. v. Union of India & Ors., 2010 13 SCC 427, paragraphs 31 to 34;



- iii. Profulla Kumar Ghosh v. State & Another, 2013 2 CHN (CAL) 171, paragraph 12; and
 - iv. The judgment of the Hon'ble Allahabad High Court rendered in Suchitra Mitra and Ors v. Union of India and Ors, Writ A No. 4178 of 2015.
14. Mr. Kumar Jyoti Tewari, learned senior advocate appearing for the ISI, has made the following submissions:
- i. The Chairman of the Council has the authority to appoint an Officiating Director for a period of six months from amongst the professors or scientists of equivalent rank or above in the institute. This stipulation is found in the Bye-laws of the ISI Act, 1959. Bye-law 6.5.3 thereof is clear and unequivocal that the Chairman has the right in case of an emergency to appoint an Officiating Director. It is while exercising such right that the Chairman of the Council appointed Sanghamitra Bandyopadhyay, who



demitted the office as the Director of ISI, to continue as the Officiating Director with effect from September 29, 2025, till the expiry of the period of 6 months.

- ii. Thus the Chairman of the Council has rightly appointed the Officiating Director.
- iii. Since the Officiating Director herself had been the centre of the incident which has given rise to the disciplinary proceeding against the petitioner, she rightly recused herself from the process. It was only thereafter that the Chairman through the Chief Administrative Officer appointed the respondent no. 5 as the alternate DA.
- iv. The authority to do this finds credence from the fact that the Standing Service Order, 1963 (hereinafter the Order of 1963) stipulates that a member of the Council of the institute or the governing body not being an employee of the institution shall be deemed as a person above the rank of any employee of the institute. Though this relates to the Order of 1963, it is equally applicable to a disciplinary proceeding. Thus, the respondent no. 5, the DA



appointed by the Chairman being a member of the Council of a Higher Administrative Grade and a professor of the IIT Kharagpur, clearly falls within the scope of the aforesaid definition and is a person, by way of the deeming provision, to be above the rank of any employee of the institute. Thus, there is no jurisdictional deficiency here either.

- v. The Standing Service Order, 1963 specifies in Appendix II that in so far as the disciplinary proceedings are concerned it is the Director who is the DA. Since the DA is not available due to her recusal, the next highest authority has appointed another person (respondent no.5) as the DA.
- vi. The articles of charge issued by the respondent no. 5 are merely a statement and do not implicate the charges on the petitioner. They are merely imputation of the charges alone. Thus, there is no question of bias.
- vii. The petitioner as an employee of the ISI is covered by Appendix IV of the Standing Service Orders of 1963.



Clause 5.1 thereof has specifically indicated that “where there are no existing orders or accepted convention in the institute, relevant rules of the Government of India would be deemed to be applicable until other provisions are made by the institute”. Since there are no rules which have been made, the petitioner is guided by these particular rules at Appendix IV, on account whereof the articles of charge have been rightly framed by the respondent no. 5 as the DA.

viii. He has relied on the following decisions in support of his arguments:

- a. 1999 1 SCC 183 paragraph 2;
- b. 2006 12 SCC 28 paragraph 16;
- c. 2010 13 SCC 427 paragraph 36; and
- d. 2025 SCC OnLine SC 676 paragraphs 11, 20 to 26.



15. I have considered the submissions made by the parties and the decisions relied upon by them, and also considered the documents on record and the relevant Service Orders.
16. A celebrated institute such as the Indian Statistical Institute which was established sometime in 1932, has over a period of time assumed a place of significance in the academic world not just in India, but worldwide. It is known not just for its academic excellence and the alumni it boasts but also for the discipline which it instills in such students. On account thereof, the institute has now been identified as an institute of national importance.
17. It is only logical, if not mandatory, that persons responsible for such a hallowed institution as the ISI, the faculty, should be adorned not just by academicians of repute and distinction but at the same time of discipline, decorum and integrity.
18. It is in this backdrop that the case of the petitioner has come to light. The petitioner, an Associate Professor in the Department of Machine Intelligence Unit, serving since 2007, having joined initially as a lecturer and risen in the ranks to an Associate Professor, ought



to have handled the situation, with more dignity, decorum and discipline.

19. A complaint by the Deputy Director against the petitioner that he had behaved in a particular manner while attending a meeting in the office of the Officiating Director, which was itself called to de-escalate the situation, of which the petitioner was a part, is a matter which will be decided by the concerned authority.
20. The root of the main dispute is something quite beyond the ambit of this writ petition.
21. The petitioner's grievance is far more simple and straightforward.
22. In a disciplinary proceeding of this nature, being conducted by a quasi-judicial authority or body, certain issues are sine qua non for a proper proceeding to be conducted:
 - i. Such a body has to act within the framework of the statute by which it is established and the rules and regulations thereto.



- ii. The object of the show cause notice is to give a reasonable opportunity to the noticee to raise his objection to the proposed charges. It must seem to the noticee that he would get a fair opportunity of establishing his defence and making his objection before the concerned authority.
- iii. The entire purpose of a show cause notice and the articles of charge is to ensure that the noticee, as a reasonably prudent person, would not feel that he would not get justice before the concerned authority and that such authority would deal with his objection/defence with an unbiased approach and mind and would deal with the defence in a fair manner.
- iv. He must not get the impression from the notice or the articles of charge that his defence is an idol formality as the concerned authority has already made up its mind regarding his guilt.
- v. Hence, the authority issuing the show cause notice and framing the articles of charge has to take a cautious



approach and act in a manner which would give a manifest impression of their unbiased mind insofar as the noticee is concerned.

23. It would be worthwhile to advert to the issue of jurisdictional deficiency first as that goes to the root of the matter. In fact, in terms of the decision of the Hon'ble Supreme Court of India in *Oryx Fisheries (Supra)*, this is about the only ground on which a disciplinary proceeding can be assailed at the stage of chargesheet. If the concerned DA is not empowered or entitled to initiate the disciplinary proceeding, any further progression by the same DA would be a redundant measure.
24. The court while exercising jurisdiction of judicial review under Article 226 of the Constitution of India, has to bear in mind that a disciplinary proceeding will have to reach its logical conclusion through the authority itself. As held by the Hon'ble Supreme Court of India in several decisions, the only ground on which a disciplinary proceeding can be challenged at the stage of issuance of show cause notice and/or framing of charges is that there is a jurisdictional deficiency of the authority to issue such notice or charge-sheet. Thus, since the petitioner in this case has raised these two issues, this writ



petition is entertained. The question that remains to be adjudicated is whether indeed there was jurisdictional deficiency of the disciplinary authority and whether the charge-sheet framed by the DA reeks of any bias.

25. It is not in dispute that the designated DA for persons situated as the petitioner and the petitioner himself, under Rule 10 read with Appendix II is the Director of the institution. The process for appointment of a Director has been laid down in no uncertain terms in Clause 2 of the Bye-laws. The appointment of the Director of the establishment shall be made by the Council on the recommendation of a selection committee. This selection committee will consist of three persons, the Chairman of the Council (as Chairman) and two experts approved by the Council. However, the power to appoint the Officiating Director is vested exclusively in the Chairman under Clause 6.5.3 of the Bye-laws. Since this is a measure in case of an emergency, the tenure of such an Officiating Director has been limited to a period of six months. The Regulations, Bye-laws, Standing Orders or the Act does not differentiate between Director or Officiating Director.



26. There is no bar, in the Bye-laws, Memorandum, Standing Orders, Regulations, or curtailment on the Officiating Director while discharging all duties and functions which are vested in the Director. The Officiating Director thus acts as the head of the institution in the same capacity, exercising the same powers as that of the Director. Acting as the designated DA is one of the duties cast upon and meant to be discharged by the Director. Thus, the Officiating Director, while holding office, is meant to act as the DA, if the situation so demands. The term “officiating” merely denotes that the incumbent is holding the post on account of an appointment by the Chairman of the Council due to an emergent situation for the limited tenure of six months. This does not curtail the powers of the Officiating Director as no such curtailment has been referred to in the aforesaid applicable Rules, Bye-laws, Regulations and Act. Thus, the insinuation by the petitioner that the Officiating Director is not the Director and therefore does not qualify to be the designated DA, is unacceptable.

27. In this case, the Officiating Director herself being the central figure in the entire episode, under no circumstances could initiate or proceed with the Disciplinary Proceeding against the petitioner. Therefore, the Director had recused herself as the DA in so far as



the complaint by the Deputy Director is concerned against the petitioner.

28. This would have left a void and would not permit any proceeding to be initiated or progressed as against the petitioner. To tide over this stalemate, the Chairman of the Council approved the present incumbent as an alternate DA. The only issue would be whether the present incumbent had the credentials to be appointed as the DA.

29. The Chief Executive by his order of November 11, 2025 appointed a Professor of Higher Administrative Grade (HAG) of IIT Kharagpur and member of the Council, ISI (2024-2026), as the DA. It is this DA, appointed by the Chief Executive, who has acted as the DA and issued the articles of charge dated January 9, 2026. At this juncture, it is important to note the administrative structure of the ISI:

- a. The Director is the principal executive officer of the institute and the head of all its academic and administrative activities. The Director is responsible for the administration of affairs of the institute subject to the control of the Council.



- b. The Council has approximately 33 members amongst whom there are 6 government representatives from various departments, 9 scientists who are not employed in the institute, 2 elected representatives of the employees of the institute and 12 ex-officio officers of the institute, which include the Director.
- c. The Council in its first meeting shall elect an eminent person who is not an employee of the institute as Chairperson of the Council to preside over all meetings of the Council.
- d. Clause 5.4 and 5.5 are also of relevance and rather germane for the present purpose. Clause 5.4 clothes the Chief Administrative Officer as the principal officer in overall charge of the general administration of the institute. Clause 5.5 stipulates that though the Council consists of 33 members, 9 members are enough to form a quorum for any meeting. Clause 6 specifies that the Director shall be the principal executive officer of the institute and the head of all its academic and administrative activities.



30. Thus, the administration of the institute is bifurcated into three distinct parts. First, the general administration, which will be under the exclusive domain of the Chief Administrative Officer. The academic part of which the Director will have full control as the Principal Executive Officer of the institute. The third is the administrative part, culled out in a manner that the Director would also be the head of the administrative activities of the academic part. This part of the administration of the affairs of the institute has been made subject to the control of the Council. Thus, administration insofar as the institution is concerned is the domain of the Chief Executive Officer and administration of the academic part of the institute is the domain of the Director subject to the control of the Council.
31. The administration of the institute not relating to the academic part of the institute is to be looked after by the Chief Executive Officer. It is in discharge of this administrative function that the Chief Executive Officer had communicated the decision of the Chairman to appoint the respondent no. 5 as the disciplinary authority for the case of the petitioner on November 11, 2025. The Chief Executive Officer has acted well within his jurisdiction and in consonance with the powers vested in him while making such an appointment. This appointment



was necessitated in view of the Director/Officiating Director who is the designated DA, having recused herself, being a central figure of the entire incident.

32. The appointment of a DA in the absence of the designated DA is, without an iota of doubt, within the domain of administrative function of the institution. This does not form a part of the academic function nor does it form a part of the administrative function relating to academic activities.
33. Further, Clause 11.2.1 of the Order of 1963 will have to be given a harmonious construction. The petitioner as an associate professor in the Machine Intelligence Unit cannot be said to be under the direction and control of the divisional/unit head or head of the department. This interpretation would be absolutely contrary to Appendix II of the Order of 1963 which specifies that the DA would be the Director. In fact, Clause 11.2.1 also states that the charge-sheets shall be issued by the persons as indicated in Appendix II. Hence, to give a harmonious construction to Clause 11.2.1 of the Standing Service Orders, 1963, it will have to be read in a manner which is in consonance with Appendix II. Appendix II specifies the Director to be the DA. Since the designated DA was unavailable,



due to her recusal, the next highest authority was the Chairman of the Council, had duly appointed the respondent no. 5 as the DA in place and instead of the designated DA. This appointment was merely communicated by the Chief Administrative Officer by his office order dated November 11, 2025.

34. The rules specify that the designated DA for a person like the petitioner would be the Director. However, there is no other provision except for that contained in 12(4) of the Service Orders of 1963 which deals with an appeal where, in cases of similar nature; where the appellate authority finds that owing to other engagements it would not be possible for him to take up a matter, he may authorize any other person above the rank of the authority which issued the initial orders to hear and dispose of the appeal. This “other person” has been defined in the “Note” to Clause 12.4 as a member of the Council of the institute or of the Governing Body not being an employee of the Institute, for such purpose this person shall be deemed as a person above the rank of any employee of the Institute. Though this provision is meant for the appellate authority, in the absence of any provision in so far as the disciplinary proceeding is concerned, it would be efficacious to place reliance on this provision to cause an interpretation of the empowerment or



entitlement of the present incumbent as the DA. This person is a Higher Administrative Grade professor of a reputed institute (IIT Kharagpur) and is of a rank which is higher than that of the petitioner.

35. Thus, it cannot be held that the present DA, duly appointed by the Chairman of the Council, suffers from jurisdictional deficiency. The present incumbent DA is not disqualified as such to initiate the proceeding as against the petitioner.
36. Insofar as the question of bias is concerned, there does not seem to be any evidence to establish that the respondent no. 5 was biased or that he had while framing the charges proceeded with a closed mind and had already formed an opinion that the petitioner was guilty of the charges so framed.
37. The charge-sheet of January 9, 2026 is clear and unequivocal. The clarity would appear from the introduction to the charge-sheet at paragraph 2, which clearly mentions that the incident has been recorded as “the incident has been reported by the complainant”. On the basis of this complaint, the charges have been framed which are severable into two parts. First, every article of charge has a



statement portion which seeks to set forth the incident. Second, the charge. It is this charge which has been construed or rather misconstrued as implication against the petitioner. A perusal of the statement of each article of charge would clearly show that the charge has been framed in terms of the statements, which had been reported in the complaint. The charge itself cannot be construed as implication as sought to be done by the petitioner.

38. It is however true that the charges seek an explanation or answer from the delinquent, the petitioner herein to the provisions of CCS (Conduct) Rules, 1964. The particulars of Appendix IV of the Standing Service Orders, 1963 specify that where there are no existing orders or accepted convention in the institute it would be the rules of the Government of India which are deemed to be applicable. The petitioner was unable to show that any rules exist or have been framed by the institute in so far as the model conduct of any employee of ISI is concerned. In view thereof, it is the Rules of 1964 which would clearly apply to the case of the petitioner.

39. It is also of some importance to note here that upon the issuance of the show cause notice by the respondent no. 5, the petitioner responded on three separate occasions, on November 26, 2025,



December 15, 2025 and January 16, 2026. In none of these responses did the petitioner ever raise the question of jurisdictional deficiency in so far as the respondent no. 5 acting as the DA was concerned. This was specifically mentioned in the show cause notice that he had been appointed by the Chief Executive with the approval of the Chairman, ISI Council. This was not objected to in any of the letters given by the petitioner as aforesaid. The petitioner sought for certain documents as well as the copy of the complaint in all of the three replies. The only ground of jurisdiction alleged in the third reply of the petitioner on January 16, 2026 is more relatable to the issue of bias and the prejudiced mind of the DA.

40. It is not in dispute nor disputable that the complaint of the incident had indeed been lodged by the Deputy Director. Similarly, it is indisputable that the Deputy Director lodging the complaint was present at the time of the incident. In fact, the petitioner has not challenged this fact that the Deputy Director was not present. A complaint can be lodged not just by the person who is at the centre of such incident but by any person aggrieved by such incident on the ground that it violates the prescribed rules or constitutes an act of misconduct by the person alleged to have committed such an act.



41. The list of witnesses provided in the articles of charge, clearly records that the said list is tentative and it is open to the parties to cause an addition or alteration to the list by introduction of further witnesses. In any event the petitioner cannot seek to challenge the procedural propriety of the disciplinary action initiated against him at this stage on a rather flimsy ground that the Officiating Director has not been called or is not likely to be called as a witness.
42. It is imperative now to deal with the decisions relied upon by the parties. In the case reported in 1983 4 SCC 582, it was the appointment procedure of the Director of an institution which had been challenged. It was challenged after the entire procedure had come to an end and a Director had already been chosen and appointed from amongst interested persons. The appellant had lost out in the process and challenged the same; the facts of this case are completely different and the only issue in the said judgment relates to the fact that the Bye-laws have to be followed strictly. In the instant case, the Rules, Regulations, Bye-laws and Standing Orders have been strictly followed.
43. The Supreme Court in no uncertain terms in 2010 13 SCC 427 has held that the object of a show cause notice is to give a reasonable



opportunity to the noticee to object to the proposed charges. In this matter, the challenge was made after a registration certificate of the appellant had been cancelled by the authority. In this case, it is at the initiation stage of the show cause notice and charge-sheet which has been challenged on the ground of jurisdictional deficiency and manifest bias as would appear from the tenor of the charge-sheet. It is no doubt true that justice is rooted in confidence and on the fairness of the authority, the petitioner herein has acted in accordance with the show cause notice, to which he has given multiple replies. Thus, it cannot be said that from the tenor of the show cause notice or the articles of charge the petitioner was apprehensive that he would not get justice.

44. The decision of this Hon'ble Court in 2013 2 CHN (CAL) 171 and the Hon'ble High Court at Allahabad relied upon by the petitioner are on accepted propositions of law with which I respectfully agree. The statutory body indeed has to act within the framework of the statute and in this particular case there was no instance from which it could be shown that the authority had acted dehors the provisions of the law or the Bye-laws and regulations by which it is bound.



45. The decisions relied upon by the respondent reported in 1999 (1) SCC 183 are clear and unequivocal that the appointment of an ad hoc disciplinary authority does not vitiate the proceeding, as there is no material prejudice caused.
46. In fact, in the decision reported in 2006 (12) SCC 28, it has been held in no uncertain terms that the scope of interference challenging a charge-sheet should be exercised in rare and exceptional cases only. The writ lies when a right has been infringed. The petitioner was unable to show any instances of infraction of his right; his continued effort leads to the inevitable presumption that he is unwilling to participate in the disciplinary proceeding. He has been given all requisite documents and opportunities, and was requested to participate in the hearing.
47. The decision of the Hon'ble Supreme Court of India in 2025 SCC OnLine SC 676 is equally clear and unequivocal with which I am bound and respectfully agree that mere issuance of a show cause notice does not give any cause of action as it does not amount to an adverse order unless the issuing authority has no jurisdiction to issue the same.



48. As discussed aforesaid, the issuing authority had the jurisdiction to issue the show cause notice and charge-sheet, and cannot under any circumstances be held to be bereft of any jurisdiction to issue the same.
49. In view of the aforestated discussions, the following conclusions emanate:
- a. There is no jurisdictional deficiency or error in so far as the appointment of the Officiating Director by the Chairman is concerned, as it is permissible under the Bye-laws. The appointment of the respondent no. 5 by the Chief Chairman of the council is also in consonance with the Rules. The respondent no. 5 has been duly appointed. The respondent no. 5 is surely a person falling within the definition of Appendix II of the Standing Service Orders, 1963.
 - b. The articles of charge are clearly not biased and merely set forth the statements and charges in each of the articles.



c. The reference to the CCS (Conduct) Rules is clearly within the domain of the authorities.

50. In view of the aforestated, the process is not vitiated, and cannot be set aside on the grounds raised by the petitioner. The petitioner will have to face the disciplinary proceedings and will be entitled to disclosure of documents as required and as permissible under the bye-laws, rules and regulations. The DA will disclose all documents and other evidence which have been disclosed and relied upon by the ISI, to the petitioner.

51. In view of the aforestated, WPA 6468 of 2026 is dismissed.

52. There shall, however, be no order as to costs.

53. Urgent Photostat certified copy of this judgment, if applied for, shall be granted to the parties as expeditiously as possible, upon compliance of all formalities.

(Reetobroto Kumar Mitra, J.)



Later

After pronouncement of the judgment, Mr. Suman Banerjee, learned Advocate for the petitioner, seeks stay of the disciplinary proceeding.

Such prayer for stay of the proceeding is considered and declined.

(Reetobroto Kumar Mitra, J.)