8th Oct., 2026

Item no.D/L 06
Court No. 24

Pradip, A.R.(Ct.)

In the High Court at Calcutta

Constitutional Writ Jurisdiction
Appellate Side

Case No. **WPA 7884 of 2026**

In the matter of:

Suman Paul

.... Petitioner

VS.

The State of West Bengal & Ors.

....Respondents

For the Petitioner:

Mr. Susanta Pal
Mr. Nikhil Kr. Hupta
Ms. Chandrabali Roy

....Advocates

For the State:

Mr. Koushik Roy
Mr. Kaustav Seal

....Advocates

For the University:

Mr. Sougata Mitra
Ms. Soma Chakraborty

....Advocates

1. Affidavit of service and the supplementary affidavit filed in Court today are taken on record.
2. Instruction forwarded by the Registrar, Sidho Kanho Birsha University, Purulia dated 27th September, 2021 filed in Court today be retained with the records.
3. The petitioner is serving in Sidho Kanho Birsha University. He was placed under suspension with effect from 9th June, 2025 by the order of the Registrar issued on 13th June, 2025 on the ground that he was arrested in a criminal case and was in custody for more than forty eight hours.
4. More than a year has passed. Neither charge-sheet has been issued in the criminal proceeding nor disciplinary proceeding by the University has been initiated against the petitioner.

5. The petitioner applied before the University seeking for revocation of his order of suspension with a prayer to permit him to resume his duties.
6. The prayer of the petitioner was forwarded by the University to the Department of Higher Education (University Branch) for taking a decision on the prayer of the petitioner. As no decision has been taken by the Senior Special Secretary, the University is not in a position to allow the prayer of the petitioner seeking revocation of the order of suspension.
7. Learned advocate representing the petitioner submits that the criminal case in which he has been implicated is no way connected to his service.
8. It has been contended that in terms of the order passed by the Hon'ble Supreme Court in the matter of **Ajay Kr. Choudhary Vs. Union of India through its Secretary & Anr.** reported in **(2015) 7 SCC 291**, an employee cannot be kept under suspension for an indefinite period of time.
9. Prayer has been made to direct the University to revoke the order of suspension and permit the petitioner to resume duty.
10. Learned advocate representing the University submits that as the University forwarded the prayer of the petitioner to the superior authority and no instruction has been received therefrom, the University is not in a position to take a decision in the matter.
11. Learned advocate representing the State respondents submits that the matter is an internal issue of the University and the State does not have any role to play.
12. Upon hearing the submissions made on behalf of all the parties and on perusal of the documents annexed to the writ petition, it appears that the petitioner was placed under suspension way back on 9th

June, 2025 by the order of the Registrar of the University issued on 13th June, 2026 relying upon the resolution adopted by the Executive Council.

13. Learned advocate representing the University has failed to produce any provision of law which requires sanction or permission from a superior authority for revoking the order of suspension. If the decision to suspend the petitioner was adopted in a meeting of the Executive Council, then the order of withdrawal of suspension ought to be taken by the same forum.

14. There is absolutely no requirement of obtaining sanction or permission from the superior authority for revocation of the order of suspension, unless the statute prescribes for the same.

15. It is settled law that an employee cannot be kept under suspension for an indefinite period of time. The Executive Council of the University ought to take a decision on the petitioner's prayer seeking revocation of the order of suspension.

16. The instant writ petition stands disposed of by directing the Executive Council of the University to take a decision on the prayer of the petitioner seeking revocation of the order of suspension with a permission to resume duty at the earliest but positively within a period of eight weeks from the date of communication of this order.

17. The decision of the Executive Council shall be intimated to the petitioner immediately thereafter.

18. The writ petition stands disposed of.

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

20. Certified server copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Amrita Sinha, J.)