

05
15.01.2026
Ct. No. 11
KCP

FMA 1080 of 2024
with
IA No. CAN 1 of 2024
(Sri Arup Kumar Das Vs. The University of
Calcutta & Ors.)

Mr. Sabyasachi Mukherjee
Mr. Mukesh Khanna
Ms. Swastika Saha
Ms. Debjani Chakraborty
Mr. Ranabeer Halder
.... For the appellant

Mr. Nilotpall Chatterjee
Mr. Sourabh Sengupta
..... For the respondent no. 1

Mr. Subhrangsu Panda
Ms. Ina Bhattacharyya
Ms. Mithu Singha Mahapatra
..... For the respondent nos. 2 to 7

This intra-court appeal has been preferred challenging the order dated 16th May, 2023 passed in WPA 10398 of 2023, whereby the writ petition was dismissed.

The fact that needs to be narrated for the effective adjudication of the appeal is that the writ petitioner/appellant was appointed as an Assistant to the Accountant of Shyama Prasad College (for short, the College), and his appointment was subsequently confirmed by the Governing Body of the College.

The petitioner was appointed as a Whole-Time Assistant to the Accountant in the College and was posted in the main building. Subsequently, by an order dated 17th August, 2022, he was assigned an additional duty of updating the master asset register of the college, along with another duty to work as an Assistant to the Librarian (Day Section).

Mr. Mukherjee, learned advocate appearing for the appellant, submits that the petitioner was transferred from the main building of the College to its annexed building and that he has been humiliated by certain staff members. He further submits that no chair has even been allotted to the petitioner to enable him to perform his duties in the new assignment.

He submits that the petitioner, having the qualifications of B.Com (Hons.) and M.A. LL.B., made a prayer before the college authorities to allow him to discharge his duties as an Assistant to the Accountant.

He further submits that the writ petitioner/appellant, by submitting a representation before the competent authority, raised all his grievances. However, despite receipt of such representation, no effective steps have been taken in this regard.

He contends that such inaction prompted the petitioner to prefer the writ petition, and that at the time of hearing of the writ petition, those issues were urged but were overlooked, and no finding was returned thereon. He submits that such infirmity warrants interference in the present appeal.

Mr. Panda, learned advocate appearing on behalf of the college authorities, submits that a new Principal has taken charge of the College during the pendency of the present appeal.

He submits that the college authorities are fully empowered to make inter-departmental transfer(s) of the petitioner and that the petitioner cannot object thereto, as it forms a condition of his service. Accordingly, the learned Single Judge has rightly declined to interfere with the transfer order.

Mr. Sengupta, learned advocate, led by Mr. Chatterjee, learned advocate, enters appearance on behalf of the University.

Heard the learned advocates appearing for the respective parties and perused the materials on record.

Though we are not inclined to interfere with the transfer order issued to the petitioner, we are of the view that the issues raised in the representation require consideration by the Principal of the College. We further observe that the authorities in charge of the overall affairs of a college are expected to take all necessary steps to ensure that a proper working atmosphere is maintained and that no staff member is unnecessarily or illegally humiliated within the institution.

In view thereof, the Principal is directed to consider the representation dated 1st February, 2023, after affording an opportunity of hearing to the petitioner and all concerned, and to take a reasoned decision in accordance with law.

The order impugned in the appeal is modified to the above extent.

The appeal as well as the connected application are disposed of.

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

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Partha Sarathi Chatterjee, J.) (Tapabrata Chakraborty, J.)