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(DO)

**In the High Court at Calcutta  
Constitutional Writ Jurisdiction  
Appellate Side**

WPA 22380 of 2025

**NIRANJAN MANDAL  
Vs.  
THE STATE OF WEST BENGAL & ORS.**

Mr. Soumya Majumder, Sr. Advocate  
Mr. Indranath Mitra, Advocate  
Mr. Bikash Goswami, Advocate  
Mr. Osman Mallick, Advocate  
Ms. Shipra Santra, Advocate

.....for the Petitioner

Mr. Swapan Kumar Dutta, Learned Government Pleader  
Mr. Subhabrata Das, Advocate

.....for the State

Mr. Probal Kumar Mukherjee, Sr. Advocate  
Mr. Suhrid Sur, Advocate

.....for the Respondent Nos. 5 & 6

1. The petitioner is aggrieved that in a disciplinary proceeding initiated by the University, where the charges, according to him, are extremely complex in nature, the petitioner is not being permitted to avail legal assistance through a legal practitioner of his choice.
2. Mr. Majumdar, learned Senior Advocate appearing for the petitioner submits that the charges are severe and complex in nature. In view of such complex and serious charges leveled, which relate to various heads including defalcation of money as well as non-participation in tenders etc., it would be apt that the petitioner be permitted to avail of legal assistance in the hearing pertaining to disciplinary proceeding.
3. Mr. Mukherjee, learned Senior Advocate appearing for the respondent nos. 5 & 6, submits that in view of the West Bengal College Teachers (Security of Service) Act, 1975 (hereinafter, the said Act), particularly Section 15 thereof, the petitioner cannot avail the assistance of a legal practitioner for any proceeding as specified therein. He has also cited a decision of the Hon'ble Supreme Court of

India reported in **2022 (2) SCC 301** (*Chairman, State Bank of India & Anr. Vs. M.J. James*).

4. I have heard the learned Counsel for the parties and perused the documents and the decision relied upon by them.
5. It is not in dispute that the assistance of legal practitioner in an internal disciplinary proceeding is not a matter of right. It is also equally true that Section 15 of the said Act debars any legal assistance to a Teacher or even the Presenting Officer of an Institution. However, the applicability of Section 15 of the said Act is limited to a proceeding under Sections 12 and 14 of the said Act. Section 12 is in the nature of a first appeal by the Teacher against any punishment under Section 9 (1) of the Act, before the University. Section 14 of the said Act, on the other hand, is a proceeding before the Appellate Authority, wherein the assistance of a legal practitioner has been specifically barred.
6. This is not a case which falls under the mischief of Section 12 or 14 of the Act.
7. In fact, the decision relied upon by Mr. Mukjherjee, sets forth certain grounds on which legal assistance can be given, especially, when the charges are of severe and complex nature. The said judgment of the Hon'ble Supreme Court was passed in a matter where legal assistance was specifically barred.
8. I am informed by both parties that a former Judge of this Hon'ble Court has been appointed as the Enquiry Officer to hold the disciplinary proceeding in the matter.
9. The purpose of representation, which is universally accepted, is that all parties to any such hearing must get an opportunity to reasonably present his case in a manner which would be satisfactory not only to him but would also ensure maximum assistance to the adjudicating authority,

in this particular case, a former Judge of this Hon'ble Court.

10. It cannot also be denied that the nature of the charges in the charge-sheet against the petitioner, are fairly severe and complex. As a Teacher, it may not be possible for the petitioner to answer satisfactorily to all such charges and assist the Enquiry Officer in a manner which would be suitable for proper enquiry to be conducted.
11. In view of the afore-stated, the petitioner is permitted to avail of legal assistance from a legal practitioner before such enquiry authority.
12. At this juncture, Mr. Mukherjee has requested that the Presenting Officer may also be permitted to avail of adequate legal assistance through a legal practitioner, if so required.
13. Thus, the petitioner and the Presenting Officer are permitted to avail of legal assistance before the Enquiry Officer, if so advised.
14. With these directions, **WPA 22380 of 2025 is disposed of.**  
No order as to costs.

**(Reetobroto Kumar Mitra, J.)**

