

08.01.2026
16
Ct.No.24
Susanta

WPA 28856 of 2025
with
CAN 1 of 2026

Dr. Himansu Kumar Bose
Vs.
State of West Bengal & Ors.

Mr. Kallol Basu,
Mr. Neil Basu,
Mr. Sankha Biswas,
Ms. Atreya Chakraborty,
Ms. Oindrila Sakrar,
Mr. Avidipta Paul,

...for the Petitioner.

Mr. Swapan Kumar Dutta, Ld. G.P.
Mr. Dipankar Das Gupta,
Mr. Tauheed Khan,

...for the State.

Mr. Nilotpal Chatterjee,

...for the Respondent Nos. 3 & 4.

Dr. Jyotirmoy Som,
Mr. Archo Ghosh,

...for the Respondent Nos. 5,6 & 7 (IGNOU).

1. The petitioner has been on deputation in the Indira Gandhi National Open University (hereinafter referred to as "IGNOU") as a Registrar for over a period of five years.
2. The petitioner's post as Principal of the Panchur College has been vacant for the aforestated period and is still lying vacant.
3. The grievance of the petitioner is that the respondent no. 2 is not willing to extend his period of deputation and consequently his lien over the post for any further period which is without any reason whatsoever. In fact, Mr. Basu appearing for the petitioner has drawn attention of this

Court to a similarly situated person whose tenure had been extended for a period in excess of five years.

4. Mr. Dutta, learned Government Pleader appears for the State and submits that the respondent no. 2 had never made any release order and law specifies that the tenure of lien cannot exceed a period of two years.

5. The petitioner has already been on lien for a period in excess of five years which is impermissible under the law.

6. Mr. Chatterjee appearing for the college submits that college is the principal sufferer in this process as the said college is without a Principal for the last five years and more, the petitioner cannot be permitted to enjoy the usufruct of both retaining his lien over the post of Principal of the college as well as to continue as a Registrar of the IGNOU.

7. I have heard the learned Counsel for the parties and considered the submissions.

8. As suggested by the parties, let the respondent no.2 consider the representation made by the petitioner on 23rd September 2025 upon adequate prior notice of hearing to the petitioner as well as to the college authorities and consider all documents and records, conclude the hearing and take a reasoned decision thereof by February 15, 2026.

9. Needless to mention that I have not gone into the merits of the case in view of the consensus between the parties in respect of consideration of the representation dated 23rd September, 2025.

10. All the points are kept open to be decided by the respondent no. 2 at the time of hearing.

11. In the interregnum period, the interim order of 23rd December, 2025 will continue. Such order will lapse once a decision has been taken by the respondent no.2 and intimate to the parties.

12. With the aforesaid direction WPA 28856 of 2025 is disposed of accordingly the application being CAN 1 of 2026 is also disposed of.

13. There shall be no order as to costs.

14. Urgent photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Rectobroto Kumar Mitra, J.)