

February 14, 2022
Sl. No.16
Court No.1
SG/s.biswas

WPA (P) 55 of 2022

Anindya Sundar Das

vs.

The State of West Bengal and others

(Through Video Conference)

Mr. Billwadal Bhattacharyya,
Mr. Suryaneel Das,
Mr. Amrit Sinha,
Ms. Avipsa Sarkar,
Mr. Saurav Mallick,
Mr. Surojit Saha, Advocates

... for the petitioner

Mr. S. N. Mookherjee, Id. Advocate General
Mr. Samrat Sen, Id. AAG
Mr. Anirban Ray, Id. Govt. Pleader,
Mr. T. M. Siddiqui,
Mr. Debashish Ghosh, Advocate

... for the State

Mr. Kishore Datta, Id. Senior Advocate
Mr. Nilotpal Chatterjee,
Mr. Sandip Dasgupta,
Mr. S. Siddiqui,
Mr. Aviroop Mitra, Advocates

... for the respondent Nos.2 & 3

Mr. Abhratosh Majumdar, Id. Senior Advocate
Mr. Cayan Gupta,
Mr. Sanjeev Trivedi, Advocates

... for the respondent No.4

In this petition the petitioner has questioned the notification dated 27.08.2021 whereby the respondent No.4 has been re-appointed as Vice Chancellor of the University of Calcutta with effect from 28.08.2021 for a period of 4 years or till she attains 70 years whichever is earlier. This notification has been issued by State Government and signed by the Special Secretary to the Government.

The submission of learned counsel for the petitioner is that under Section 8(1)(b) of the Calcutta University Act, 1979 as amended from time to time, the power vests

with the Chancellor to appoint the Vice Chancellor which includes the power to re-appoint the Vice Chancellor. Therefore, bypassing the statutory provision, State or its Secretary could not have issued the notification for re-appointment of the respondent No.4 as Vice Chancellor for 4 years.

Learned Advocate General appearing for the State as also respondent Nos.2, 3 and 4 are granted four weeks time to file their affidavits-in-opposition. Thereafter, affidavit-in-reply may be filed by the petitioner within one week.

List on 22.03.2022.

[Prakash Shrivastava, C.J.]

[Rajarshi Bharadwaj, J.]