

15.09.2021
Ct. No.13
Sl. No.161
akd

W.P.A. 13553 of 2021 [via video conference]

[Visva Bharati & Anr. -Vs- The State of West Bengal & Ors.]

Mr. Soumya Majumder
Mr. Jayanta Narayan Chatterjee
Mr. Victor Chatterjee
... .. for the petitioners

Mr. Bikash Ranjan Bhattacharyya
Mr. Shamim Ahmed
Ms. Saloni Bhattacharjee
Mr. Arka Maiti
Ms. Gulsanwara Perveen
... .. for added respondents

Mr. Arunava Ghosh
Mr. Puspall Chakraborty
Ms. Prishanka Ganguly
Mr. Somdev Ash
... for the intervenor

Mr. Kumar Jyoti Tewari
... .. for respondent no.2

Mr. Amitesh Banerjee
Ms. Ipsita Banerjee
... .. for the State

It is submitted by Mr. Majumder, learned counsel appearing for the petitioners that insofar as Phalguni Pan is concerned, he is a student in the Department of Economics and Politics. He has applied to pursue his course as a repeater in M.A. Semester-I. The said semester is due to commence in October, 2021. He shall be allowed to join such course immediately upon commencement.

Insofar as Somnath Shaw is concerned, he is a student of the Department of Economics. He has to clear backlog papers in the 5th Semester. Such examination for backlog papers is to be held in December, 2021 or January, 2022. He shall be entitled to participate and undertake such examination. It is only thereafter

that he shall be entitled to pursue his course as an internal candidate in M.A. Part-I. There are no online classes being held or applicable to the aforesaid students.

Rupa Chakraborty is a student in Hindustani Classical music. She has to sit with other students in December, 2021 or January, 2022 for clearing internal assessment examinations in terms of the Rules of the University.

The University has therefore complied with and acted upon orders of this Court dated 8th September, 2021.

The orders of Rustication have now become infructuous. Hence in the interest of and for the ends of justice, as a special case, without creating any precedent, the orders of rustication are set aside.

This order is passed in the very peculiar facts and circumstances of the case on the undertaking of the three students that there shall be peace and order in the University henceforth.

Mr. Arunava Ghosh, learned counsel appearing for the intervenor has submitted that atleast 60-70 teachers, staff and professors have been suspended by the University. The said orders of suspension shall be reviewed in terms of the Statute of the University, within a period of 15 days from date. It is expected that the University take a very pragmatic view in the matter.

Professors, teachers and staff who have been terminated from service or those whose salary and emoluments have been stopped, refused or altered, shall be entitled to take appropriate legal measures in this regard.

The University shall not be prevented from taking any suo motu decision to revise, modify or recall any of the aforesaid orders.

The posting of armed guards from the Santiniketan Police Station to secure the Vice-chancellor are not deemed necessary any further. They shall be withdrawn with effect from 8.00 pm tomorrow 16th September, 2021.

This Court finds that 3 students could not have caused the mayhem at the University but for the support of influential outsiders. It is sad to note that the noble cause of education has been slaughtered at the alter of politics and a political slugfest.

Educational institutions are being misused as breeding grounds by political parties. Consequently classes and educational activities are disrupted. Exams are not held in time and results do not come out in time. The students are compelled to move to other private institutions within and outside the State, where they are treated as customers. Some students are also compelled to give up education for want of funds. Parents of students who toil in sweat and blood to provide education to their children lose faith and the nation stares at a bleak future.

The 3 student respondents appear to have been used as a front by some vested interests to bring the University to a standstill. The entire lot of students of the University have suffered as a consequence.

Outsiders and political parties have absolutely no role to play in internal matters of a Educational institution. Every grievance of any nature of any section has to be taken to the

right forum under the relevant rules or the applicable law of the land.

As already observed earlier on 8th September, 2021 “A level of education and maturity is required for a student to take an informed decision before accepting or following any ideology. In the absence of such education, the exposure to ideology of any political outfit would amount to indoctrination. This is undesirable”.

This court is also compelled to observe that the Vice-chancellor and the management should take a more convivial accessible and inclusive approach in dealing with the affairs of the University particularly the professors, teachers, staff as well as the students. Unnecessary confrontation should be avoided. It is expected that the Vice-chancellor would follow the above with letter and spirit.

This Court appreciates the role played by the counsels from all sides particularly, Mr. Arunava Ghosh, Mr. Soumya Majumder and Mr. Bikash Ranjan Bhattacharyya in the process of bringing peace within the Visva Bharati University.

With the aforesaid observations, the writ petition is disposed of.

There shall be no order as to costs.

All parties are to act on a server copy of this order duly downloaded from the official website of this court.

(Rajasekhar Mantha, J.)