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17.10.  
2023  
Ct. No.17

**WPA 9029 of 2023**

**Manas Maity  
Vs  
Visva-Bharati & Ors.**

**Mr. Bikash Ranjan Bhattacharyya, Sr. Advocate  
Mr. Samim Ahammed  
Mr. Arka Maiti  
Mr. Aniruddha Singh  
Ms. Gulsanwara Pervin  
Mr. Arka Ranjan Bhattacharya  
.....For the Petitioner  
Mr. Dhiraj Trivedi  
Mr. Tarunjoyti Tiwari  
.....For the Union of India  
Mr. Indrajeet Dasgupta  
.....For the Visva-Bharati**

I have heard the parties.

The petition is filed by one Professor and the Head of the Department of Physics of Visva Bharati University who was initially selected and permitted by the University Visva Bharati for the collaborative research project entitled “ Indian Participation in the CMS experiment at CERN: Maintenance, Operation and Upgradation”. Because of one letter issued by Visva-Bharati signed by the Vice-Chancellor Bidyut Chakrabarty himself dated 17.05.2022, Department of Science and Technology, Government of India by their letter dated 07.07.2022 intimated the said Vice-Chancellor that in view of the suspension, DST was unable to consider sanction of the project to the University under his guidance.

The copy of the letter of the University is as follows:

“This is to inform you that **Prof. Manas Maity of the Department of Physics, Visvs-Bharati** who is associated with CERN project which DST is also funding has been **suspended for having been involved in activities vitiating the academic environment of the University.** Disciplinary proceedings have already been initiated against him.

Under these circumstances, this is a request to you to consider whether an individual with records for being deviant from the academic ethics is appropriate for an international project in which globally famous scientists from India are involved to represent India at the international forum of great scientists.

Sd/  
Bidyut Chakrabarty”

Warm regards,

The letter written by the Vice-Chancellor has a tone as appears to this court that suspension for some reasons has already been proved. From the second paragraph of the letter of the said Bidyut Chakrabarty it appears that he indirectly suggested the Secretary of the Department of Science and Technology for deleting the name of the petitioner i.e. Professor Manas Maity from the International Project. Not only nothing has been proved against him till date, the suspension order has also been set aside by order of this court. Suspension order communicated by letter dated 04.05.2022 by Visva-Bharati has been set aside by order of this court on 13.12.2022.

From the said letter of Bidyut Chakrabarty, which has been quoted above dated 17.05.2022 it is clear to this court that the said person being the Vice-

Chancellor not only acted against the petitioner who was the Head of the Department of Physics but also acted against the interest of the University.

I wonder how such a person can continue as Vice-Chancellor of a University who himself wants to damage the University's beneficial attainments. The Ministry of Education is not a party in this matter but because of such damaging letter from his own University, I am of the view that this Bidyut Chakrabarty should be removed from the post of Vice-Chancellor of the University as he has categorically wrote a letter to the Department of Science and Technology, Government of India for which not only the University would be deprived (and has been deprived upto now) but also the interest of the country in the field of Science and Technology has been jeopardized.

Said Mr. Bidyut Chakrabarty, though has been made a party as respondent no.8 and though the writ application has been served upon him on 31<sup>st</sup> July, 2023, as appears from the affidavit of service (which is kept on record), has not appeared before this court, though Visva-Bharati has engaged learned advocate Mr. Dasgupta for the respondent nos. 1, 2, 3, 4 and 5. Respondent No. 3 is Visva-Bharati.

Mr. Dhiraj Trivedi, learned advocate for the Union of India has said that he is not in a position to

defend the said Bidyut Chakrabarty for his letter sent to the Department of Science and Technology as he has not been engaged by said Bidyut Chakrabarty.

Mr. Bidyut Chakrabarty should have been present or represented through any lawyer but has not come before this court despite service.

I direct the petitioner to add the Ministry of Education, Government of India forthwith in course of the day a party respondent in this matter.

As the suspension of Mr. Manas Maity, the petitioner has been set aside by this court on 13.12.2022 in WPA 16662 of 2022 which has not been challenged uptil now (at least nobody has made such submission before me) the order of decision to place the petitioner under suspension vide communication dated 04.05.2022 has reached its finality.

Therefore, as an interim measure, I direct the University to conclude the disciplinary proceeding by two months from date but effect thereof cannot be given for two weeks if the order of the proceeding goes against the petitioner.

I direct the University to reissue the endorsement certificate by seven days from the date of communication of this order (the order is to be communicated by the petitioner forthwith and also by the learned advocate for the respondent nos. 1 to 5

forthwith) and on the basis of such endorsement, the Department of Science and Technology shall include Visva-Bharati (Associated member of Saha Institute of Nuclear Physics, in short 'SINP') where the petitioner would work, as has been elaborated in the letter of the Department of Atomic Energy dated 17.06.2022 and it is to be seen that University is in no way deprived of such over-enthusiastic letter written by the said Bidyut Chakrabarty against the interest of the university founder of which is none other than Rabindra Nath Tagore.

The matter will appear before this court three weeks after puja vacation on mentioning and the parties are at liberty to exchange their affidavits in the meantime.

Disciplinary proceeding may continue, if any, pending.

Learned Deputy Solicitor General has handed over his instruction to assist this court. The relevant pages I have gone through and the same is kept on record.

The instruction given by Visva-Bharati to their learned advocate is also kept on record, which has been handed over to me.

**(Abhijit Gangopadhyay, J.)**

