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HARINGHATA MAHAVIDYALAYA

(Affiliated to Kalyani University)

NAAC ACCREDITED

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Date: 19.09.2024

Status of Dr. Pratap Chandra Mandal, Principal Under Suspension from Haringhata Mahavidyalaya,

since 05.04.2019

1. The Administrator, Haringhata Mahavidyalaya/SDO, Kalyani had received specific complaints about gross irregularities in the financial affairs of the college. He formed an Enquiry Committee on 26.10.2018 to look into the allegations.
2. After conducting necessary inspection, the Enquiry Committee submitted its report on 11.01.2019, confirming lack of transparency in financial transactions and truth in the allegations made by three teachers of the college.
3. On 26.02.2019, the Administrator issued a Show Cause Letter to Dr. Pratap Chandra Mandal, Principal, Haringhata Mahavidyalaya, to explain his position as to non-compliance of Financial Rules of Govt. of West Bengal (WBFR).
4. The whole case was placed before the Principal Secretary, Department of Higher Education, Science and Technology and Bio Technology, Govt. of West Bengal for his action and necessary direction.
5. The Principal, Dr. Pratap Chandra Mandal, sent his reply on 09.03.2019 to the Administrator of the college. However, the said reply was regarded as inadequate, despite the Principal's claim to have been transparent. The Principal even went on to challenge the authority of the Administrator in issuing such a Show Cause Letter.
6. On 05.04.2019 Dr. Pratap Chandra Mandal, Principal, Haringhata Mahavidyalaya was suspended from service and Sri Jyoti Narayan Patra, Assistant Professor, Haringhata Mahavidyalaya was formally asked to take over the charge of the Principal and to act as the Teacher in Charge of the college.
7. The Administrator, Haringhata Mahavidyalaya/SDO, Kalyani constituted an Inquiry Committee (may be known as Disciplinary Committee) and appointed a Presentation Officer on 05.04.2019 to initiate disciplinary proceedings against Dr. Pratap Chandra Mandal on the basis of charges framed against him by the Enquiry Committee in pursuance of the provisions of the West Bengal College Teachers (Security of Service) Rules, 1977.
8. A charge sheet was issued against Dr. Pratap Chandra Mandal, Principal, Haringhata Mahavidyalaya and he was asked to appear in person before the Inquiry Committee.

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9. In the mean time, Dr. Pratap Chandra Mandal moved the High Court of Calcutta against his suspension. He filed several cases one after another, but he did not get any relief. On the contrary, the court vindicated the move of the Administrator, Haringhata Mahavidyalaya/SDO, Kalyani.
 10. It seems that the Principal has been repeatedly trying to stall the disciplinary proceeding initiated against him. The Administrator cannot take the matter forward as it is sub-judice before the Hon'ble High Court of Calcutta.

I. W.P.A. 11263 of 2019 in the High Court of Calcutta

Dr. Pratap Chandra Mandal v. The State of West Bengal & Ors.

Date of Disposal of the Case: 13.08.2019

Summary:

It was contented that the suspension was untenable because the tenure of the Administrator, Haringhata Mahavidyalaya had expired when he suspended the Principal

Decision:

The case was dismissed on the ground that it was not acceptable to the Hon'ble Court that suspension suffers from any jurisdictional error.

II. W.P.A. 20493 of 2019 in the High Court of Calcutta

Dr. Pratap Chandra Mandal v. The State of West Bengal & Ors.

Date of Disposal of the Case: 20.11.2019

Summary:

It was alleged that the procedure adopted in conducting the disciplinary proceeding was derogatory to the provisions of the West Bengal Universities and Colleges (Administration & Regulation) Act, 2017.

Decision:

The case was dismissed on the ground that no material had been brought to the notice of the court to establish that the procedure adopted by the authorities of the said College in conducting the disciplinary proceeding was repugnant to the provisions of the said Act of 2017.

The court even observed that "the petitioner approached this Court earlier and the same was dismissed and thus splitting up the claims the person cannot approach the Court repeatedly".

III. W.P.A. 1876 of 2020 in the High Court of Calcutta

Dr. Pratap Chandra Mandal v. The State of West Bengal & Ors.

Date of Disposal of the Case: 21.11.2022

Summary:

The petitioner, Dr. Pratap Chandra Mandal, submitted that the three members of the first Enquiry Committee, on the basis of whose report the Principal was suspended, were also included in the second Inquiry Committee which was entrusted with the task of further enquiry and of forwarding their findings to the Disciplinary Authority following the Charge Sheet issued to the principal on 05.04.2019. So, the Principal was apprehensive that there was hardly any chance of an impartial enquiry to be conducted against him since the said members had already formed their opinion against the petitioner as to his guilt.

Decision:

As the services of the Government employees were transferable and some of the members of the Preliminary Enquiry Committee had already been transferred to some distant places, the Hon'ble Court was of the opinion that without going into the question as to whether there would be any bias against the petitioner, the proceedings against the petitioner must reach its logical conclusion at the earliest. And for the convenience, it was suggested to replace the members of the second Inquiry Committee as it might be problematic for the said officers to conduct the enquiry from a distant place leaving aside their present official assignments.

2nd Enquiry Report on 28.04.2023

Following the advice of the Honorable Justice in WPA 1876 of 2020, a new Inquiry Committee was constituted by the Administrator, Haringhata Mahavidyalaya/ SDO, Kalyani after replacing all the four members in the second Inquiry Committee. The new committee again conducted each and every aspect of financial irregularities during infrastructural development works of Haringhata Mahavidyalaya. And it observed that there was a rampant violation of WBFR and huge money was misappropriated and the exact amount of misappropriation of money was untraceable. The report was more harsh than the previous one.

IV. WPA 22216 of 2023 in the High Court of Calcutta

Dr. Pratap Chandra Mandal v. The State of West Bengal & Ors.

Observations by the Court: 11.10.2023

Final judgement had not yet been delivered.

Summary:

The advocate representing the petitioner submitted that the enquiry report was not served upon the petitioner; rather it was served upon his learned advocate. It had also been contended that the documents relied upon by the enquiry authority were not proved by the witnesses.

Decision:

The learned judge pronounced that after obtaining the enquiry report from his learned advocate the defence of non-supply of enquiry report was no more available to the petitioner. He was also *prima facie* satisfied that there had been substantial compliance with the West Bengal College Teachers (Security of Service) Rules, 1977 in conducting the enquiry.

Hearing in this case was also held on 12.07.2024 and 23.08.2024.

FINAL OBSERVATION AS ON 19.09.2024

The institution does not have a Principal from the last five years and is run by Teacher-in-Charge. It would be beneficial for the institution to have a regular Principal for smooth governance. Furthermore, the matter of suspension of the Principal is sub-judice as on 19.09.2024 (WPA 22216 of 2023 in the High Court of Calcutta) and it is creating a financial strain on the institution which further affects the overall development of the college. After analysing these aspects, it would be prudent to reinstate the Principal if there is any possibility.

