

Report

Name of the Suspended employee :

Dr. Satrajit Ghosh, Principal, Charuchandra College

Name of the institution :

Charuchandra College, office at 22, Lake Road, Kolkata – 700029.

Suspended from :

The Governing Body placed Dr. Satrajit Ghosh, Principal, Charuchandra College under suspension in its emergency meeting on 26.11.2018 and it was communicated to him by a letter dated 27.11.2018.

Reason for suspension :

The Governing Body placed Dr. Satrajit Ghosh, Principal, Charuchandra College under suspension on 26.11.2018 to enquire into the allegations and complaints against Dr. Satrajit Ghosh, Principal, Charuchandra College.

Other details relating to suspension :

- i. Dr. Satrajit Ghosh joined the post of Principal, Charuchandra College on 01.12.2016 and he was placed on probation for a period of one year. As the services of Dr. Satrajit Ghosh, Principal, Charuchandra College was not satisfactory during the period of probation, the Governing body extended the period of probation for a period of another year and the then President communicated the same to him by a letter dated 29.11.2017 which is before expiry of one year of probation.
- ii. The Governing Body of Charuchandra College in its meeting dated 19.01.2018 decided to conduct a preliminary enquiry into the allegations against Dr. Satrajit Ghosh, Principal, Charuchandra College and constituted a Fact Finding Committee headed by a Retired District and Sessions Judge however he did not appear before the Fact Finding Committee despite given opportunity. Accordingly the Fact Finding Committee submitted its report on 19.07.2018 and upon

considering the same, the Governing Body of Charuchandra College decided on 30.07.2018 to issue show cause to Dr. Satrajit Ghosh, Principal, Charuchandra College. On the basis thereof, the then President of the Governing Body of Charuchandra College issued a show cause notice to Dr. Satrajit Ghosh, Principal, Charuchandra College on 04.08.2018.

- iii. Assailing such report of the Fact Finding Committee, show cause notice and praying for confirmation, Dr. Satrajit Ghosh, Principal, Charuchandra College filed a writ petition, being W.P. No. 17647(W) of 2018. On 20.09.2018, the matter was taken up for consideration before the Hon'ble Justice Arindam Sinha and point of maintainability of the writ petition was taken on the ground that the same is premature as it challenges a show cause. The matter was adjourned. It was again taken up for consideration on 14.11.2018 and after considering the fact that as the college has already conveyed to Dr. Satrajit Ghosh, Principal, that his performance is unsatisfactory and probation period extended, the Hon'ble Court adjourned the matter to assess the performance of Dr. Satrajit Ghosh, Principal.
- iv. In terms of the said order dated 14.11.2018 and upon considering of all the materials available on record, the Governing Body placed Dr. Satrajit Ghosh, Principal, Charuchandra College under suspension on 26.11.2018 to enquire into the allegations and complaints against Dr. Satrajit Ghosh, Principal, Charuchandra College.
- v. Dr. Satrajit Ghosh, Principal, Charuchandra College filed a connecting application in the pending writ petition, being CAN no. 9411 of 2018. The said writ petition and the connecting application were taken up for consideration on 31.07.2019 by the Hon'ble Justice Tapabrata Chakraborty and after considering the communication of the college dated 22.07.2019 whereby the college informed Dr. Satrajit Ghosh, Principal that his services deemed to have been confirmed by operation of law as the Governing Body did not confirm his service during the period of probation and also did not discharge him, Hon'ble Court was pleased to dispose of the writ petition holding that no further order was required to be passed therein.
- vi. The Charge sheet was also issued to Dr. Satrajit Ghosh, Principal, Charuchandra College on 23.02.2019 which is within a period three months of placing him under suspension.

- vii. Dr. Satrajit Ghosh, Principal, Charuchandra College filed another writ petition, being W.P. No. 19788 (W) 2019, whereby he challenged the disciplinary proceeding, charge sheet, suspension order and also prayed for joining. On 13.11.2019, the matter was taken up for consideration and the Learned Advocate of Dr. Satrajit Ghosh, Principal, prayed for adjournment to file supplementary affidavit. Pursuant to the leave, Dr. Satrajit Ghosh, Principal, filed his supplementary affidavit to bring into record the supplementary charge sheet. On 13.03.2020, the matter was again taken up for consideration by the Hon'ble Justice Tapabrata Chakraborty and after hearing the parties and the submission made by us that bills for subsistence allowance have already been raised, the Hon'ble Court directed the State to take instructions and the matter was adjourned. In the meantime pandemic intervened. Thereafter on 25.11.2020, the matter was taken up for consideration by the Hon'ble Justice Shampa Sarkar. Her Ladyship was pleased to dispose of the writ petition directing the college to conclude the inquiry within a period of four months and also certain instructions so as to ensure timely payment of the subsistence allowance to Dr. Satrajit Ghosh, Principal. As the inquiry could not be completed during such time, the college preferred an application for extension of time.
- viii. Dr. Satrajit Ghosh, Principal did not participate in the inquiry after the expiry of the time fixed by the Hon'ble Justice Shampa Sarkar except for one occasion. He preferred another writ petition, being W.P.A. No. 11279 of 2021, wherein he prayed for setting aside of the disciplinary proceeding or in the alternative payment of full salary. Dr. Satrajit Ghosh, Principal filed another writ petition, being W.P.A. No. 12649 of 2021, wherein he prayed for setting aside of the resolutions of the Governing Body whereby his confirmation was deferred and he was placed under suspension and he also challenged the appointment of the teacher in charge.
- ix. The writ petitions, being W.P.A. No. 12649 of 2021 and W.P.A. No. 11279 of 2021, were taken up for consideration by the Hon'ble Justice Amrita Sinha on 06.09.2021 along with the application of the college for extension of time to complete the inquiry proceeding. All the matters were disposed of by the Hon'ble Court by a combined order extending the time to conclude the disciplinary proceeding by 31.12.2021 with certain directions including that the College shall pay the subsistence allowances to the petitioner as and when the same falls due without any unnecessary delay. No prayer of Dr. Satrajit Ghosh, Principal was entertained in any of the writ petition.

- x. Questioning the order dated 06.09.2021, Dr. Satrajit Ghosh, Principal preferred three appeals before the Hon'ble Division Bench, being M.A.T. No. 1008 of 2021, M.A.T. No. 1009 of 2021 and M.A.T. No. 1010 of 2021. All the appeals were disposed of by the Hon'ble Division Bench by only extending the time to conclude the inquiry by 31.01.2022 and directing the inquiry to be conducted on day to day basis affording opportunity to Dr. Satrajit Ghosh, Principal to participate in the inquiry proceeding.
- xi. Although after the order dated 25.11.2020, Dr. Satrajit Ghosh, Principal participated in the inquiry till 27.03.2021 but after that he did not participate in the enquiry proceeding on the pretext that the time granted by the Hon'ble Court has expired. He continued to abstain from the enquiry proceeding even after the direction of the Hon'ble Court on 06.09.2021. During pendency of the said appeals, the enquiry proceeding duly proceeded upon due notice to Dr. Satrajit Ghosh, Principal who chose not to appear and by that time all the witnesses of the Governing Body of Charu Chandra College were examined by the Enquiry Officer and next date of the enquiry was fixed on 21.12.2021 for final argument. Since the Hon'ble Division Bench granted liberty to Dr. Satrajit Ghosh, Principal to participate in the enquiry and cross examine the witnesses, the hearing on 21.12.2021 could not take place.
- xii. Upon receipt of the said order on 23.12.2021, the Enquiry Officer fixed the next date of hearing on 24.12.2021 and for cross examination of witnesses. On that day, the Presenting Officer made an application before the Enquiry Officer praying before him to hand over copies of the documents in compliance of the said order dated 20.12.2021 and fixed the next date only after Dr. Satrajit Ghosh, Principal express his willingness to cross-examine the witnesses of the College. It is pertinent to mention here that Dr. Satrajit Ghosh, Principal has preferred two applications before the Enquiry Officer however no copies of the same were served upon the Presenting Officer by him. The next date of enquiry was fixed on 04.01.2022. Before the next date of inquiry, i.e. on 04.01.2022, the Enquiry Officer tendered his resignation on 03.01.2022 on grounds mentioned therein. During the month of January, 2022, the country experienced a surge of COVID-19 pandemic mostly of the Omicron variant. Thereafter the Teacher in Charge got infected with COVID-19 and she was tested positive on 05.01.2022. Several other staffs of the college were also got infected. As a result, a meeting of the Governing Body

could not be convened. The then President of the Governing Body also wrote a letter to the Enquiry Officer requesting him to withdraw his resignation and conduct the enquiry however the same was not withdrawn by the Enquiry Officer. As a result, an emergency meeting of the Governing Body was convened on 28.01.2022 and in the same, the resignation of the enquiry officer was accepted and Mr. Siraj Kishore Banerjee, Learned Advocate was appointed as the Enquiry Officer to enquire into the charges against the appellant/respondent. However in the meantime, the time period as specified by the Hon'ble Court on 20.12.2021 was about to expire on 31.01.2022. Accordingly applications were preferred by the Governing Body of Charu Chandra College before the Hon'ble High Court for extension of time to conclude the enquiry.

- xiii. During the pendency of the said applications, the enquiry could not be proceeded with by Mr. Siraj Kishore Banerjee, Learned Advocate as the entire file relating to the enquiry proceeding was lying with the earlier enquiry officer. In order to facilitate the enquiry proceeding at the earliest, the college authority met with the earlier enquiry officer and after domestic deliberations, the misunderstanding or the confusion got cleared and the earlier Enquiry Officer agreed to conduct the enquiry proceeding but considering his ill health, he requested the college to pray before the Hon'ble Court to conduct the same on alternate days. Since the enquiry proceeded substantially and all the witnesses of the college deposed before him, the College though it fit to continue the enquiry with the earlier enquiry officer. Accordingly on 21.03.2022, the Governing Body of Charu Chandra College in an emergency meeting reappointed the Enquiry Officer so as to avoid procrastination. On the basis of such subsequent developments, the College filed application for passing appropriate orders.
- xiv. After 24.12.2021 that is after the 31st sitting of the inquiry proceeding, the 32nd sitting was held on 26.03.2022 by the Inquiry Officer upon notice to all concerned. However despite notice, Dr. Satrajit Ghosh, Principal did not appear in the inquiry. On the other hand, Dr. Satrajit Ghosh, Principal, through his Learned Advocate, sent a notice to the Inquiry Officer not to proceed with the inquiry on the pretext that the same would amount to contempt of Court. Thereafter as many as 16 sittings of the inquiry were held by the Inquiry Officer and each time affording opportunities to Dr. Satrajit Ghosh, Principal for the sake of principles of natural justice however in none of the

occasion, he participated in the proceeding. Accordingly he has relinquished his known personal rights with a conscious choice.

- xv. Dr. Satrajit Ghosh, Principal filed a contempt application against the Present and Past President of the Governing Body and the Enquiry Officer being C.P.A.N. No. 1055 of 2022. Such contempt application and the applications for extension of time to conclude disciplinary proceeding are pending final adjudication.
- xvi. The allegations levelled against the petitioner are grave in nature and there are also allegations of financial irregularities. Time and again, Dr. Satrajit Ghosh, Principal has tried to stall the proceeding. He has even tried to intimidate the Inquiry Officer and the witness on behalf of the College authority. He even tried to stall the functioning of the Fact Finding Committee which was conducting the preliminary inquiry. As such there is not only mere apprehension but also likelihood that if Dr. Satrajit Ghosh, Principal is allowed to join before conclusion of the disciplinary proceeding, he will abuse his official position and thwart the disciplinary proceeding pending against him.
- xvii. Nevertheless with an open mind, the present President of the Governing Body has tried to explore the possibility of domestic deliberation between Dr. Satrajit Ghosh, Principal and the Governing Body of Charu Chandra College and accordingly directed the Teacher-in-Charge to call Dr. Satrajit Ghosh, Principal to attend the meeting of the Governing Body on 04.09.2023. Before that the President also obtained a report regarding the status of the enquiry from the Enquiry Officer in order to apprise himself regarding the status of the enquiry. As a result, Dr. Satrajit Ghosh, Principal attended such meeting of the Governing Body but it could not evoke any positive response as the majority members of the Governing Body opined that the pending enquiry be taken into its logical conclusion in terms of the direction of the Hon'ble Court and it did not decide to revoke the order of suspension of Dr. Satrajit Ghosh, Principal.
- xviii. The Governing Body again met on 13.10.2023 to discuss about the representation of Dr. Satrajit Ghosh, Principal in which he has prayed for withdrawal of proceeding against him and after deliberation, majority members opined against granting his prayer. His prayer was rejected by the majority members because Dr. Satrajit Ghosh in his prayer had stated that the Governing Body wanted to withdraw the suspension and he was acceptance it, where as the proposal of the Governing Body was that he should first withdraw his contempt

application and then appeal for his withdrawal of suspension. Thereafter no meeting of the Governing Body has taken place.