

Though the current circumstances banks more on post-suspension events, a brief background however, was added for a better insight regarding the matter:

- 1) Dr. Sheela Datta Ghatak, Associate Professor of Zoology, P. D. Women's College, Jalpaiguri was appointed as the Teacher-in-Charge of P. D. Women's College on 02.03.2021 as she was the senior-most teacher in the college as the Principal Dr. Shanti Chhetry went on lien to join as the Vice Chancellor of Gour Banga University. She however, did not take approval as the Teacher-in-Charge and the DDO from the Education Directorate of Govt. of West Bengal during her tenure.
- 2) After Dr. Datta Ghatak took assumed the charge as the TIC, due to her untoward attitude towards college staff and misbehaviour, almost all the teaching staff of the college (68 out of 73) submitted an appeal to the President, Governing Body for her removal from the post of the Teacher-in-Charge.
- 3) Dr. Datta Ghatak was removed on 20.09.2021 through a Governing Body meeting. All the members present in the Governing Body meeting unanimously decided that, Dr. Sheela Datta Ghatak be removed from the post of Teacher-in-Charge with immediate effect and Smt. Sriparna Sarkar, Associate Professor in Geography was appointed as the new Teacher-in-Charge from 20.09.2021.

DR. Sheela Datta Ghatak later on, was held responsible for illegitimately withholding three Governing Body Resolution Books (bearing resolutions of the G.B. meetings held from 2009 to the last one held before 20.09.2021) because of following observations:

- a. On 20.09.2021, after the meeting and the process of charge make over and take over was complete, Dr. Sheela Datta Ghatak promised to return all the three Governing Body Resolution Books, keys and the Service Book of Dr. Sukanta Das, which were in her possession, within next day (21.09.2021) in front of all the Governing Body members present on that day and, in presence of all the teachers who went to congratulate Smt. Sriparna Sarkar, other than the non-teaching staff present there.
- b. Though she returned the keys and the Service Book of Dr. Sukanta Das at a later date (07.10.2021), three Governing Body Resolution Books she never handed over to the college even after repeated verbal and written requests and an ultimatum (duration ended on 08.11.2021) from the then Teacher-in-Charge Smt. Sriparna Sarkar. Her excuse of ill health was void as she came in person to the college with the Service Book of Dr. Sukanta Das, but did not bring those G. B. Resolution Books on that day.
- c. It is to be noted that, in reply of any of the first three letters (Dated 23.09.2021, 01.10.2021 and 08.10.2021) or phone calls made, she never denied possessing of the Governing Body Resolution Books nor she ever mentioned of handing over the same to anyone.
- d. Only, after receiving the final reminder regarding this from the college on 01.11.2021, she suddenly sent an email on 11.11.2021 stating that she had already handed over the Resolution Books to the President, G. B. of the College, but without any receipt or mentioning any date of return. Dr. Datta Ghatak even asserted her statement of 11.11.2021, regarding returning of three resolution books to G. B. President, in her letter on 25.11.2021.

- e. Upon communication regarding it, the President, G.B. firmly denied that he had received any Governing Body Resolution Books from Dr. Sheela Datta Ghatak as she claimed. Earlier, the



President, G.B. through his communication to the then TIC Smt. Sriparna Sarkar (10.11.2021) mentioned that Dr. Datta Ghatak promised during his incidental meeting with Dr. Datta Ghatak during Kalipuja to return the Resolution Books to the College through another member of the Governing Body later on. This incidental meeting, had been cited by Dr. Datta Ghatak as the substantiation in lodging a very derogatory complaint against the President, G.B. in the Women's Police Station, Jalpaiguri.

f. In her reply (dated 12.01.2022) to the show-cause letter, she changed her statement regarding the possessing of G.B. Resolution Book stating that, she never took it from college.

g. Apart from the resolution books prior to her tenure as the TIC, she is also questionable about the non-availability of the G. B. resolution books which was/were used by her in the G.B. meetings when she was TIC (from 02.03.2021 to 20.09.2021).

h. The enquiry officer, after thorough investigation, also held her responsible for illegitimate withholding of those resolution books as he reported "I hold that Dr. Sheela Datta Ghatak has every knowledge regarding the whereabouts of the three resolution books for the reason best known to her and such withholding the said three resolution books will cause grave problems to the teaching and non-teaching staff of the college in their future service career".


• Suspension as a punishment was imposed following the Section 9 (iv) of The West Bengal College Teachers (Security of Service) Act, 1975. Such step was taken after a prolonged exchange of communications (attached herewith), issuing show cause letter, followed by enquiry by an external enquiry officer (allotting enough time for hearing from Dr. Datta Ghatak, her signed statement was also received) and after receiving the report corroborating the allegation. The decision of suspension was unanimously taken in a G. B. meeting after a thorough discussion. Hon'ble Vice Chancellor of North Bengal University was duly informed about the suspension following Section 11. (2) of The West Bengal College Teachers (Security of Service) Act, 1975. Further details are given below:

1. For subsistence allowance, Section 11. (3) a, b and c of The West Bengal College Teachers (Security of Service) Act, 1975 were duly followed.
2. Suspension letter issued on: 04.04.2022
3. Case (WPA /1981/2022) was filed by Dr. S Datta Ghatak on 21.07.2022, (skipping provision to appeal before the affiliating University within thirty days) around three and half months after suspension, there was no scope for review or further communication from the college after that, further Dr. Datta Ghatak did not express or show any intent to return of the articles she possessed.
4. As per West Bengal Act XXXVI of 1975 (The West Bengal College Teachers (Security of Service) Act, 1975, 'Suspension' has been cited as one of the penalties [Section 9 (I) (iv)], nothing has been mentioned about its duration.
5. Salary raised from 50% to 75% after 6 months of suspension from October, 2022 and then the same was raised from 75% to 90% after another 6 months of suspension following West Bengal Act XXXVI of 1975 (The West Bengal College Teachers (Security of Service) Act, 1975.
6. Matter of signing the attendance register was as per the unanimous resolution of the Governing body meeting (31.03.2022) it was not mentioned to be linked to the subsistence allowance.
7. In the verdict (by Hon'ble Calcutta High Court, Circuit Bench of Jalpaiguri, on 11.01.2023) of the writ petition filed by Dr. Sheela Datta Ghatak (WPA 1981 of 2022), it was mentioned that "WPA 1981 of 2022 is, accordingly, disposed of with liberty to the

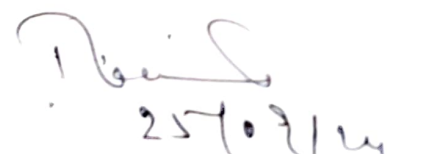


petitioner to take the points urged before this Court before the Appellate authority."According to the order, the court also mentioned that all the parties were relying upon 'The West Bengal College Teacher (Security of Service) Act, 1975 and "Section 12 of the Act provides for an aggrieved teacher preferring an appeal within 30 days from the date of receipt of the order imposing any of the punishment under section 9(1) against the said teacher".

8. It is clearly mentioned in the above-said section 12 of the act, it is the affiliating University who is the authority to judge such an appeal and Dr. Datta Ghatak had accordingly placed her appeal before North Bengal University following court's order. The University subsequently contacted our college regarding an enquiry with appropriate authority.
9. As the University had already taken up the matter and initiated a procedure, in the G.B. meeting to be held on 15.05.2023 (which was later postponed by the G. B. President for indefinite period), during the discussion on the removal of suspension a difference in opinion arose regarding whether the matter should be left to the affiliating University as they have already communicated the college pertaining to the said affair.
10. Due to growing controversy, the President, G.B., ultimately postponed the meeting for the indefinite period.
11. The University subsequently contacted the college second time and conducted an enquiry on 26.05.2023.
12. The observations from the enquiry as received from the University (Ref. No. 369/ R-23, dated 24.07.2023) mentioned that "Governing Body may consider withdrawal of suspension of Dr. Sheela Datta Ghatak considering her ensuing retirement provided Dr. Ghatak shall return original three (3) resolution books of the college." It is therefore obvious that the college might consider the withdrawal of her suspension had she returned the resolution books of the Governing Body meetings. The suspension therefore was still in effect even on the day of her retirement.
13. Later a writ petition (WPA/2076/2023) was filed by Dr. Datta Ghatak in the Calcutta High Court and the verdict (on 17.11.2023) allowed her pensionary and other retiral benefits citing some previous verdicts from the Apex Court which observes that a disciplinary proceedings may continue as long as the employee in the service, not after once he/ she retires.
14. Another writ petition (WPA 1347 of 2024) has been filed by Dr. Sheela Datta Ghatak on 01.07.2024 regarding the above stated matters which still is under process in the Calcutta High Court.


Principal
P.D. Women's College
Jalpaiguri




25/07/24
President GB
P.D. Women's Collage
Jalpaiguri