

ITEM NO.46
(For orders)

COURT NO.4

SECTION XVI

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No(s).17403/2023

(Arising out of impugned final judgment and order dated 28-06-2023 in WPA(P) No.272/2023 passed by the High Court at Calcutta)

THE STATE OF WEST BENGAL

Petitioner(s)

VERSUS

DR. SANAT KUMAR GHOSH & ORS.

Respondent(s)

([TO BE TAKEN UP AT THE TOP OF THE BOARD 'FOR ORDERS']

IA No. 248251/2023 - APPLICATION FOR MODIFICATION OF PARTY DETAILS/
CHALLENGED JUDGEMENT DETAILS

IA No. 205750/2023 - APPROPRIATE ORDERS/DIRECTIONS

IA No. 90345/2024 - APPROPRIATE ORDERS/DIRECTIONS

IA No. 42979/2024 - APPROPRIATE ORDERS/DIRECTIONS

IA No. 248307/2023 - APPROPRIATE ORDERS/DIRECTIONS

IA No. 170406/2023 - DISCHARGE OF ADVOCATE ON RECORD

IA No. 156480/2023 - EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT

IA No. 165408/2023 - INTERVENTION APPLICATION

IA No. 165328/2023 - INTERVENTION APPLICATION

IA No. 189570/2023 - INTERVENTION APPLICATION

IA No. 247100/2023 - INTERVENTION/IMPLEADMENT

IA No. 224771/2023 - INTERVENTION/IMPLEADMENT

IA No. 205787/2023 - INTERVENTION/IMPLEADMENT

IA No. 198176/2023 - MODIFICATION OF COURT ORDER

IA No. 156479/2023 - PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES

IA No. 188065/2023 - PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES)

Date : 08-07-2024 This matter was called on for orders today.

For Petitioner(s) Dr. Abhishek Manu Singhvi, Sr. Adv.
Mr. Jaideep Gupta, Sr. Adv.
Mr. Sanjay Basu, Adv.
Ms. Astha Sharma, AOR
Mr. Amit Bhandari, Adv.
Mr. Nipun Saxena, Adv.
Mr. Piyush Agarwal, Adv.
Ms. Shrivalli Kajaria, Adv.
Mr. Srisatya Mohanty, Adv.
Ms. Anju Thomas, Adv.
Mr. Sanjeev Kaushik, Adv.
Ms. Mantika Haryani, Adv.

Mr. Shreyas Awasthi, Adv.
Mr. Himanshu Chakravarty, Adv.
Ms. Ripul Swati Kumari, Adv.
Mr. Bhanu Mishra, Adv.
Ms. Muskan Surana, Adv.
Mr. Archit Adlakha, Adv.
Ms. Soumya Saxena, Adv.
Mr. Aditya Raj Pandey, Adv.
Ms. Lihzu Shiney Konyak, Adv.
Mr. Simranjeet Singh Rekhi, Adv.
Ms. Pratibha Yadav, Adv.
Mr. Abhijit Pattanaik, Adv.

For Respondent(s)

Dr. Chaples Bandyopadhyay, Adv.
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Ms. Manisha Pandey, Adv.
Mr. Rahul Kushwaha, Adv.
Ms. Neerja Sharma, Adv.
Mr. Reegan S. Bel, Adv.

Mr. Joydeep Mazumdar, Adv.
Mr. P. Sil, Adv.
Mr. B.K. Pandit, Adv.
Ms. Shalini Kaul, AOR

Mr. Chandrashekhar A. Chakalabbi, Adv.
Mr. Pijush Biswas, Adv.
Mr. S.K. Pandey, Adv.
Mr. Awanish Kumar, Adv.
Mr. Anshul Rai, Adv.
Mr. Abhinav Garg, Adv.
For M/S. Dharmaprabhas Law Associates, AOR

Mr. Shyam D. Nandan, AOR
Mr. Rohit Bohra, Adv.

Mr. Priyanshu Upadhyay, Adv.
Mr. Viraat Tripathi, Adv.
Mr. Abeer Gobind Shandilya, Adv.
Mr. Anilendra Pandey, AOR

Mr. Manoj Ranjan Sinha, Adv.
Mr. Deepak Sain, Adv.
Ms. Nisha, Adv.
Mr. Mrigank Prabhakar, AOR
Ms. Sakshi Banga, Adv.

Mr. Anand Varma, AOR
Mr. Ayush Gupta, Adv.

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Mr. Rahul Kushwaha, Adv.
Ms. Neerja Sharma, Adv.
Mr. Reegan S. Bel, Adv.

Mr. Gopal Shankarnarayan, Sr. Adv.
Mr. Soumya Dutta, AOR
Ms. Aditi Gupta, Adv.

Mr. Rana Mukherjee, Sr. Adv.
Mr. Kunal Chatterji, AOR
Ms. Maitrayee Banerjee, Adv.
Mr. Rohit Bansal, Adv.

Hon'ble Mr. Justice Surya Kant pronounced the order of the Bench comprising His Lordship and Hon'ble Mr. Justice K.V. Viswanathan.

We hereby appoint Hon'ble Mr. Justice Uday Umesh Lalit, Former Chief Justice of India as Chairperson of the Search-cum-Selection Committees for all the Universities.

The learned Chairperson is hereby authorized to constitute separate or joint Search-cum-Selection Committees for one or more Universities, keeping in view the nature of subjects/disciplines in which education is being imparted in such pooled Universities. The Chairperson is requested to nominate 4 persons out of the empaneled experts, whom he finds capable of short-listing suitable names for appointment as Vice-Chancellors. Learned Chairperson shall preside over every Search-cum-Selection Committee and thus, composition of each such Committee shall be five. The Search-cum-Selection Committee shall prepare a panel of at least 03 names (alphabetically and not in order of merit) for each University.

The learned Chairperson is requested to constitute the Search-cum-Selection Committees for the group or the individual Universities as early as possible and preferably within two weeks. The Department of Higher Education, Government of West Bengal is

hereby nominated as the nodal department of the State Government to issue advertisements giving wide publicity to invite applications for the posts of Vice-Chancellors. Such advertisements shall contain the details of the requisite qualification and other eligibility conditions, with a specific reference to this Court's order so as to infuse confidence, leaving no uncertainty in the minds of the meritorious aspirants in submitting their claims. The advertisements shall give four weeks' time to submit the applications. Such applications shall be scrutinized by the concerned department of the State Government within one week and shall thereafter the entire set of all applications be placed before the learned Chairperson of the Search-cum-Selection Committee, who in turn, will get the dossier of each candidate prepared for consideration of the Search-cum-Selection Committee. The Search Committee may endeavour to complete their task within three months from today.

The learned Chairperson shall be paid an honorarium of Rs. 3 lakhs for every effective day of proceedings of the Search Committee, until the entire process is completed. The State Government, in addition to honorarium, provide the Chairperson with a suitable office and full secretarial assistance, along with transit accommodation at Kolkata. The learned Chairperson shall also be provided with an official vehicle and necessary paraphernalia forthwith, commensurate to the constitutional position held by him in the past.

The members of the Search-cum-Selection Committee shall be entitled to such allowance, perks, and facilities as may have been prescribed under the Statutes or by the State Government. If nothing has been prescribed, in that case, the petitioner-State shall apprise this Court of the status on the next date of hearing to enable us to pass appropriate order in this regard. Meanwhile, State Government is directed to reimburse their air fare (economy class) lodging and boarding expenses within one week of submission of such claims.

The recommendations made by the Search-cum-Selection Committee, duly endorsed by the learned Chairperson, shall be put up before the Chief Minister (and not the Minister-in-charge of a Department) for necessary consideration. In case the Chief Minister, State of West Bengal has reasons to believe that any short-listed person is unsuitable for appointment as Vice-Chancellor, the remarks to this effect along with supporting material and the original record of the recommendation made by the Search-cum-Selection Committee, shall be put up before the learned Chancellor within two weeks. The Chief Minister shall be entitled to recommend the shortlisted names in order of preference for appointment as Vice-Chancellors.

The learned Chancellor on the receipt of record from the Chief Minister of the State, shall appoint the Vice-Chancellors out of the empaneled names, in the same order of preference as recommended by the Chief Minister of the State. In case the learned Chancellor has any reservation against the empaneled names and/or the remarks made by the Chief Minister of the State against any short-listed candidate, the learned Chancellor shall be entitled to put up his own opinion on file, duly supported with reasons and relevant material.

The learned Chancellor shall accord his approval (save and except when there is a difference of opinion) within two weeks of receipt of file from the Chief Minister of the State. The Department of Higher Education, Government of West Bengal or any other concerned Department of the State Government are hereby directed to notify the appointment within one week from the date of receipt of approval from the learned Chancellor of the University.

In the case(s) where the Chief Minister of the State has objected to the inclusion of any name in the panel and such objection is not acceptable to the Chancellor or where the Chancellor has an objection against empanelment of any particular name for which he has assigned his own reasons, all such files shall be put up before this Court. We make it clear that a final

decision in this regard shall be taken by this Court after giving reasonable opportunity of being heard to the objectors.

The State of West Bengal shall file the Status Report in respect to compliance of the directions issued here-in-above before the next date of hearing. We make it clear that since the constitution and composition of Search-cum-Selection Committee is at the instance and with the consent of the parties, we will not entertain any objection from any side for non-compliance.

List the main case for hearing on 27.08.2024.

(SATISH KUMAR YADAV)
ADDITIONAL REGISTRAR

(PREETHI T.C.)
ASSISTANT REGISTRAR

(Signed reportable order is placed on the file)