ITEM NO.19 COURT NO.2 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)

IA No. 248251/2023 - APPLICATION FOR MODIFICATION OF PARTY DETAILS/ CHALLENGED JUDGEMENT DETAILS
IA No. 284901/2024 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 249061/2024 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 205750/2023 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 90345/2024 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 42979/2024 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 5484/2025 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 248307/2023 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 227841/2024 - CLARIFICATION/DIRECTION
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. 284709/2024 - INTERVENTION/IMPLEADMENT
IA No. 224771/2023 - INTERVENTION/IMPLEADMENT
IA No. 205787/2023 - INTERVENTION/IMPLEADMENT
IA No. 141578/2024 - 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
IA No. 287574/2024 - PERMISSION TO FILE APPLICATION FOR DIRECTION

Date : 01-08-2025 This matter was called on for hearing today.

CORAM :
HON'BLE MR. JUSTICE SURYA KANT
HON'BLE MR. JUSTICE JOYMALYA BAGCHI

For Petitioner(s) Dr. Abhishek Manu Singhvi, Sr. Adv.
Mr. Jaideep Gupta, Sr. Adv.
Mr. Kunal Vajani, Adv.
Mr. Debanjan Mandal, Adv.
Mr. Kunal Mimani, AOR

Mr. Tanish Arora, Adv.
Ms. Mahima Cholera, Adv.
Mr. Amit Bhandari, Adv.

For Respondent(s) Mr. R. Venkataramani, Attorney General for India
Mr. Joydeep Mazumdar, Adv.
Mr. Chitvan Singhal, Adv.
Mr. Nishchaiy Sharma, Adv.
Ms. Shalini Kaul, AOR

Dr. Chaples Bandyopadhyay, Adv.
Mr. Subhasish Bhowmick, AOR
Ms. Ananda Mayee, Adv.
Ms. Manisha Pandey, Adv.
Mr. Rahul Kushwaha, Adv.
Mr. Rakesh Kumar Tiwari, Adv.
Ms. Gargy Basu, Adv.
Mr. Aniruddha Singha Roy, Adv.

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

Ms. Nandana Menon, Adv.
Mr. Shyam D. Nandan, AOR

Mr. Amit Pawan, AOR

Mrs. Chama Mookherji, Sr. Adv.
Mr. Priyanshu Upadhyay, AOR
Mr. Abhinav Sharma, Adv.

Mr. Manoj Ranjan Sinha, Adv.
Mr. Mrigank Prabhakar, AOR
Mr. Vishal Agrawal, Adv.
Mr. Siddharth Sahu, Adv.

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

Dr. Chaples Bandyopadhyay, Adv.
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Ms. Ananda Mayee, Adv.
Ms. Manisha Pandey, Adv.
Mr. Rahul Kushwaha, Adv.
Mr. Rakesh Kumar Tiwari, Adv.
Ms. Gargy Basu, Adv.
Mr. Aniruddha Singha Roy, Adv.

Mr. Soumya Dutta, AOR

Mr. Kunal Chatterji, AOR
Ms. Maitrayee Banerjee, Adv.
Mr. Rohit Bansal, Adv.
Mr. Varij Nayan Mishra, Adv.

UPON hearing the counsel the Court made the following

O R D E R

1. In the matter of appointment of Vice-Chancellors of 36 Universities of the State of West Bengal, this Court, with the able assistance of learned Attorney General for India representing the learned Chancellor and Shri Jaideep Gupta and Dr. Abhishek Manu Singhvi, learned Senior Counsel, representing the State of West Bengal, vide a speaking order dated 08.07.2024, evolved a mechanism, thereby constituting a High Powered Selection Committee, headed by Hon'ble Mr. Justice U.U. Lalit, former Chief Justice of India. The Selection Committee was constituted regardless of the composition of similar committees in the respective statutes of the Universities.

2. With regard to the process to be followed on receipt of the recommendations of the Search-cum-Selection Committee, in Paragraph 18 of our order dated 08.07.2024, it was stated that such recommendations shall be put up before the Chief Minister of the State for necessary consideration. In case the Chief Minister 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.

3. On the part of the learned Chancellor, in Paragraph 19 of the order, it was stated that 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. In case the learned Chancellor has any reservation against the

empaneled names and/or the remarks made by the Chief Minister of the State in respect of 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, and finally in the event of any discordance between the State Executive and the learned Chancellor, this Court will consider their respective objections and resolve the issue.

4. It is a matter of record that pursuant to the recommendations made by the Search-cum-Selection Committee, headed by Hon'ble Mr. Justice U.U. Lalit, and after following the procedure as contemplated in our order dated 08.07.2024, the selection of candidates for 19 Universities has been duly approved by the learned Chancellor and they have already been appointed. In respect of the remaining appointments, the matter was taken up on 08.05.2025 and again on 15.05.2025. The original records, in sealed cover, along with soft copies, were received from the office of learned Chancellor. A request had already been made to Hon'ble Mr. Justice U.U. Lalit to examine the records containing the opinion of the Chief Minister of the State as well as of the learned Chancellor and upon consideration thereof, to submit a report with respect to the remaining recommendations.

5. In deference thereto, Hon'ble Mr.Justice U.U. Lalit has sent a Report dated 11.07.2025. In Paragraph 7(a) of the Report, it is pointed out that in respect of the seven Universities mentioned therein, the persons placed at Sr. No.2 in the list of three candidates recommended by the Chief Minister have been found suitable by the learned Chancellor. In other words, in the case of each of these Universities, the person placed at No.1, in order of preference recommended by the Chief Minister, has been partially doubted by learned Chancellor, giving preference to the person placed at No.2.

6. Paragraph 7(b) of the Report further reveals that in respect of the eight Universities mentioned therein, the third person in the list of preferences indicated by the Chief Minister has been found to be suitable by the learned Chancellor. In other

words, the persons placed at Sr. Nos.1 and 2 did not find favour with the learned Chancellor, and it seems that according to learned Chancellor, the persons placed at Sr. No.3 are more suitable than the persons placed at Sr. Nos.1 and 2 in the order of preference.

7. So far as remaining two Universities, namely, Cooch Behar Panchanan Barma University and Rabindra Bharati University are concerned, it seems from Paragraph 7(c), read with Paragraphs 8 and 13, of Justice Lalit's Report, that Prof. (Dr.) Sonali Chakravarti Banerjee was recommended for appointment as a Vice-Chancellor of the Rabindra Bharati University, but as her name had already been selected as Vice-Chancellor for West Bengal State University, her name could not be considered.

8. During the course of hearing, we have been informed that Prof. Sonali Chakravarti Banerjee is willing to take up the position at Rabindra Bharati University. Hence, we clarify that if Prof. Sonali has already joined the West Bengal State University, she will be at liberty to resign from that office and join as Vice-Chancellor of the Rabindra Bharati University. In that event, we request the Committee headed by Justice Lalit to determine the panel for appointment of the consequently vacant position of Vice-chancellor for the West Bengal State University.

9. If Prof. Sonali exercises such liberty, the only reason assigned by the learned Chancellor for not approving her name no longer survives. That being so, we request the learned Chancellor to, in such a situation, approve the name of Prof. (Dr.) Sonali Chakravarti Banerjee for appointment as a Vice-Chancellor of Rabindra Bharati University, and consequently offer appointment to her.

10. Similarly, if there is no reason of unsuitability in respect of the person placed at Sr.No.1 in order of preference for appointment as a Vice-Chancellor of Cooch Behar Panchanan Barma University, let that name be also approved and appointment be offered in the best interest of the students.

11. So far as 7 Universities and 8 Universities, mentioned in Paragraphs 7(a) and 7(b) respectively of Justice Lalit's Report,

are concerned, Justice Lalit has not expressed any opinion in light of our directions contained in Paragraphs 18-21 of our order dated 08.07.2024, wherein we have said that the Chief Minister of the State shall shortlist the names in order of preference as Vice-Chancellors and such names shall be approved by the learned Chancellor unless there are reasons assigned by him to disagree with the order of that preference. We have further stated 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, and this Court will take the final decision.

12. As suggested by learned Attorney General for India as well as learned Senior Counsel for the State of West Bengal, Justice Lalit and Members of the Search-cum-Selection Committee are the best persons to resolve these issues as they have not only interacted with the candidates but also examined their academic achievements, experience, ability, and other relevant factors while considering their candidature.

13. Consequently, we modify/clarify Paragraph 18 of our order dated 08.07.2024 to the effect that: (i) Justice U.U. Lalit and the companion Members of the Search-cum-Selection Committee need not adhere to the order of preference as determined by the Chief Minister of the State. In other words, Justice Lalit will make an independent examination to identify the best suitable candidate for the purpose of appointment; and (ii) while doing so, we request Justice Lalit and his Committee Members to consider and give due weightage to the opinion/remarks given by the learned Chancellor, who is the appointing authority, as well as the reasons, if any, assigned by the Chief Minister of the State while recommending the order of preference.

14. Paragraph 21 of the order dated 08.07.2024 is modified/clarified to the extent that Justice Lalit Committee shall form an opinion and determine its own order of preference for the

purpose of appointment of Vice-Chancellors of the remaining 7+8 Universities, which find mention in Paragraphs 7(a) and 7(b) of Justice Lalit's Report dated 07.11.2025.

15. We have no doubt that Justice Lalit's Committee would complete the exercise as early as possible, so that the long-awaited appointments can be made.

16. Post the matter for further consideration on 26.09.2025.

I.A.No. 249061/2024

1. We have heard learned Senior Counsel for the applicant and carefully perused the averments made in the application.

2. We see no reason to entertain the above-mentioned application and the same is, accordingly, dismissed.

(SATISH KUMAR YADAV)
ADDITIONAL REGISTRAR

(PREETHI T.C.)
ASSISTANT REGISTRAR