

S/L 112
18.05.2026
Court No.18
SD

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

WPA 5721 of 2026

Vijay Prakash

Vs.

Union of India & Ors.

Mr. Soumya Majumder, Sr. Adv.

Mr. Ratikanta Pal

... for the Petitioner.

Mr. Sourav Sengupta

Mr. Priyankar Ganguly

... for the Respondents.

1. The article of charge dated December 15, 2025 issued against the petitioner is impugned in the instant writ petition.

2. Submission is that the charge sheet has been issued with a closed mind. The authority has already predetermined the guilt of the petitioner.

3. It has been submitted that the disciplinary proceeding is proceeding at a very fast pace and if the same is concluded prior to the disposal of the instant writ petition, then the entire writ petition will become infructuous.

4. The petitioner prays for interim order restraining the authority from proceeding any further with the disciplinary proceeding.

5. In support of the prayer for grant of interim order, reliance has been placed on the order dated July 31, 2025 passed by the Hon'ble Division Bench of this Court in MAT 1923 of 2023 in the matter of Samaresh Das vs. Union of India & Ors.

6. Learned advocate representing the respondents seeks time to file opposition in the matter.

7. Upon hearing the submission made on behalf of both the parties and on perusal of the articles of charge, it appears that the respondent authorities have merely specified the charges against the petitioner calling for a response from him. If the charges are not specified, then it may not be possible for the petitioner to reply to the same properly in his defence.

8. The article of charge ought to provide all necessary particulars and details which is required for giving reasonable opportunity to file the statement of defence. The impugned article of charge does not imply that the authority is proceeding with a closed mind as alleged.

9. In view of the above, the Court is of the opinion that the allegation raised by the petitioner and prayers made therein are to be adjudicated upon granting opportunity to the respondents to file its opposition.

10. Let affidavit-in-opposition by the respondents be prepared and circulated within a period of eight weeks. Reply thereto, if any, be filed within a fortnight thereafter.

11. Liberty to mention the matter for hearing immediately after completion of the aforesaid time period.

12. It goes without saying that any order passed in the disciplinary proceeding shall abide by the result of the writ petition.

13. Leave granted to the learned advocate on record to file affidavit of service in the course of the day.

14. Parties to act on the basis of the server copy of this order duly downloaded from the official *website* of this Court.

(Amrita Sinha, J.)