

MAT 1604 of 2025

with

IA No. CAN 1 of 2025

[The Secretary, Rakakrishna Mission Residential
College (Autonomous), Narendrapur & Anr. Vs.
Tamal Dasgupta & Ors.]

Mr. Deepan Kumar Sarkar

Ms. Arti Bhattacharyya

.... For the appellant no. 1

Mr. Prithvish Roy Chowdhury

Ms. Deepti Priya

Mr. Samriddha Sen

..... For the appellant no. 2

Mr. Raghunath Chakraborty

Ms. Mohana Das

**..... For the respondent/writ
petitioner**

Ms. Ina Bhattacharyya

Ms. Mithu Singha Mahapatra

**..... For the College Service
Commission**

Affidavit-of-service, as filed, be kept on record.

The order dated September 2, 2025 by a learned single Judge, allowing the writ petition, thus, enabling the writ petitioner to overcome the rejection of a recommendation to the post of Assistant Professor in English in the Ramakrishna Mission Residential College (Autonomous) (hereinafter referred to as the College) is assailed before us.

Mr. Sarkar, learned counsel appearing for the appellant no. 1 has challenged the order on several grounds including the point of maintainability of the writ petition as well as the factum of non-consideration of certain posts, in the social media by the writ petitioner,

one of the primary issues on which the recommendation was rejected.

The order directs the writ petitioner to join in the post of the Assistant Professor in English in the College within a period of four weeks from September 2, 2025, i.e., by October 2, 2025.

In fact, Mr. Sarkar brings to our notice that the posts have been made even subsequent to such order of September 2, 2025. He argues that the posts are defamatory, disparaging and grossly inappropriate from a prospective teacher of a reputed College.

It is also his case that the recommendation of the Commission is not binding on the College, though, on several earlier occasions, such recommendations have been respected and appointments granted in respect thereof.

In this particular case, due to the remarks made by the writ petitioner and a seemingly aggressive note of the writ petitioner, contrary to the belief and the values espoused by the College are reason enough to reject such recommendation. He also argued that the learned Judge did not permit the appellant to rely on extracts and printouts of such posts, though, the appellant had craved leave to rely on those at the time of hearing, in its affidavit-in-opposition.

Mr. Chakraborty, learned counsel appearing for the writ petitioner/respondent has stated that these are merely posts made in the social media, which warrant no

attention and are not disparaging or defamatory in nature.

Mr. Chakraborty draws our attention to the letter refusing the recommendation and hence the consequential appointment of the writ petitioner as an Assistant Professor in English issued on January 25, 2024, to urge that this was the only ground on which the recommendation was rejected and all grounds taken thereafter in the writ petition were nothing but an afterthought.

Ms. Bhattacharyya, learned counsel enters appearance on behalf of the College Service Commission.

We have heard counsel for all the parties.

Prima facie, an arguable case has been made out by the appellants.

It appears from a bare perusal that the posts contain language and remarks not befitting and unbecoming a person desirous of being appointed as an Assistant Professor in a reputed College.

In view thereof, there shall be a stay of the directions contained in the judgment and order of September 2, 2025 till December 15, 2025 or until further orders, whichever is earlier.

The respondents will file their affidavits-in-opposition by November 20, 2025. Reply if any thereto, be filed by November 30, 2025.

Matter to appear in the list on December 3, 2025.

(Reetobroto Kumar Mitra, J.) (Tapabrata Chakraborty, J.)