

OD-1

ORDER SHEET

IN THE HIGH COURT AT CALCUTTA
Ordinary Original Civil Jurisdiction
ORIGINAL SIDE

IA No. GA/1/2024
In CS/169/2024

MEDHAVI SKILLS UNIVERSITY, SIKKIM

-VS-

NIKITA THAKURIA

BEFORE:

The Hon'ble JUSTICE KRISHNA RAO

Date : October 5, 2024.

Appearance:

Ms. Sangeeta Roy, Adv.
Mr. Sandeep Pd. Shaw, Adv.
Mr. Chandra Prakash, Adv.
Ms. Monalisha Maity, Adv.
...for the plaintiff

Ms. Monika Kalra, Adv.
Mr. Debarshi Das, Adv.
...for the defendant

The Court: The plaintiff is a body corporate established and incorporated under the provisions of Medhavi Skills University, Sikkim Act, 2021 and has been included in the list the Universities as per Section 2(f) of the University Grants Commission Act, 1956. The defendant was appointed in the post of Management Trainee with the plaintiff on the terms and conditions as mentioned in the letter of intent dated 8th May, 2024.

On receipt of the letter of intent, the defendant had joined with the plaintiff on 10th May, 2024. On 11th June, 2024, the defendant had sent an e-mail to the plaintiff by tendering her resignation but in the said letter, the

defendant had made several allegations and subsequent to her resignation, she had started sending e-mail, whatsapps and tweeter messages against the plaintiff University as well as one of the co-founder of the University, namely, Kuldip Sharma. The defendant has made severe allegations against Mr. Kuldip Sharma and, accordingly, the plaintiff University had also constituted a committee to enquire into the allegations made by the defendant on her complaint, tweeter, e-mail and the whatsapp messages.

Counsel for the plaintiff submits that due to the false communication made by the defendant through e-mail, whatsapp and tweeter, the reputation of the plaintiff university has been tarnished.

The plaintiff university has also constituted a committee to enquire into the allegation made by the defendant against Mr. Kuldip Sharma. The plaintiff has filed the present application praying for ad interim injunction restraining the defendant from making any defamatory statement and the allegations against university which tarnish the reputation of the university.

Counsel for the defendant submits that on receipt of the copy of the plaint and the application, the defendant had approached the State Legal Services Authority for appointment of a counsel from the Legal Services Authority. Accordingly, learned advocate who is appearing for the defendant has been engaged to defend the case on behalf of the defendant. He submits that after receipt of the order from the State Legal Services Authority, learned Counsel for the defendant had approached the defendant, but the defendant

has informed that she is suffering from illness and as such, she is not in a position to attend the office of the learned advocate for giving further instruction.

The matter was listed on several occasions but the counsel for the defendant was not in a position to take appropriate instructions from the defendant.

Counsel for the plaintiff submits that the plaintiff university has constituted a committee to enquire into the allegation made by the defendant and the notices were issued to the defendant but in spite of receipt of notice, the defendant had not attended before the committee.

Considering the above facts and circumstances, this Court finds that the plaintiff has made out a prima facie case, balance of convenience and inconvenience in favour of the plaintiff. This Court finds that it is a fit case where an interim order can be passed only to the effect that the defendant is restrained from making any defamatory allegation against the college which will tarnish the reputation of the plaintiff's college. Interim order will continue till 13th November, 2024.

As the Counsel for the defendant is appearing, the defendant is directed to file affidavit in opposition within a week after Puja Vacation after serving the copy to the learned Counsel for the plaintiff.

Counsel for the plaintiff prays for leave to file supplementary affidavit by disclosing several documents which were occurred after the filing of the present suit.

Accordingly, the plaintiff is given liberty to file supplementary affidavit by disclosing the document within a week after Puja Vacation after serving the copy to the learned Counsel for the defendant.

Counsel for the defendant is at liberty to deal with the supplementary affidavit along with the affidavit in opposition of the main application.

List the matter on 13th November, 2024.

(KRISHNA RAO, J.)