

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.5327 OF 2017
(@ SPECIAL LEAVE PETITION (CIVIL) NO. 1842 OF 2015)

JATINDRA NATH BHAKTA . . . APPELLANT (S)

VERSUS

UNIVERSITY OF KALYANI AND ORS . . . RESPONDENT (S)

O R D E R

Leave granted.

Heard learned counsel for the parties.

The appellant was appointed on 07.02.2013 as Associate Professor in the International Centre for Ecological Engineering in the respondent-Kalyani University in pursuance of recommendation of the Selection Committee dated 18.05.2012. It was found that the appellant scored highest marks and was duly qualified.

His services were terminated on 12.07.2013 which was sought to be justified on the ground that the appellant did not have the requisite experience. This plea was rejected by the learned single judge but the Division Bench upheld the termination.

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We find that the Selection Committee duly considered the qualification and found the appellant to be eligible by clubbing the experience of research and teaching. In these circumstances even if a different view could be taken, after appointment having been made, it was not open to the University to review the matter and terminate the services of the appellant, on the facts of the present case.

Accordingly, we allow this appeal and set aside the order of termination and re-instate the appellant. However, the appellant will not be entitled to any back wages.

Pending application(s), if any, shall also stand disposed of.

.....J.
[ADARSH KUMAR GOEL]

NEW DELHI
17TH APRIL, 2017

.....J.
[UDAY UMESH LALIT]

ITEM NO.43

COURT NO.13

SECTION XVI

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 1842/2015
(Arising out of impugned final judgment and order dated 19/08/2014
in CAN No. 5945/2014 19/08/2014 in MAT No. 983/2014 passed by the
High Court Of Calcutta)

JATINDRA NATH BHAKTA

Petitioner(s)

VERSUS

UNIVERSITY OF KALYANI AND ORS

Respondent(s)

(With interim relief and office report)

Date : 17/04/2017 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ADARSH KUMAR GOEL

HON'BLE MR. JUSTICE UDAY UMESH LALIT

For Petitioner(s) Mr. Rana Mukherjee, Sr. Adv,
Mr. Kunal Chatterji, Adv.
Ms. Maitrayee Banerjee, Adv.

For Respondent(s) Mr. Pijush K. Roy, Adv.
Mrs. Kakali Roy, Adv.
Mr. Rajan K. Chourasia, Adv.

UPON hearing the counsel the Court made the following
O R D E R

Leave granted.

The appeal is allowed in terms of the signed
order.

(Madhu Bala)
Court Master
(Signed order is placed on the file)

(Veena Khera)
Court Master