

**IN THE HIGH COURT AT CALCUTTA
(CONSTITUTIONAL WRIT JURISDICTION)**

APPELLATE SIDE

Present :

The Hon'ble Justice Partha Sarathi Chatterjee

WPA 6005 of 2024

With

CAN 1 of 2024

Tamal Dasgupta

Vs.

The State of West Bengal & Ors.

For the petitioner	: Mr. Raghunath Chakraborty, Mrs. Amrita De, Mrs. Mohana Das.
For the State	: Mr. Malay Kumar Singh, Ms. Neelam Singh.
For the respondent no. 2	: Mr. Subhrangsu Panda, Ms. Ina Bhattacharya, Mrs. Mithu Singha Mahapatra.
For the respondent no. 3	: Mr. Deepan Kumar Sarkar, Ms. Arti Bhattacharya.
For the respondent no. 4	: Mr. S. Sen, Mr. Prithwish Roychowdhury, Ms. Deepti Priya.
Heard on	: 23.07.2025
Judgment on	: 02.09.2025

Partha Sarathi Chatterjee, J.:-**Prelude:**

1. The issue that arises for consideration in the present writ petition is whether a College Authority can lawfully refuse to accept the recommendation of the West Bengal College Service Commission (for short, 'the Commission'); in other words, once a recommendation is made, can the College decline to issue an appointment letter in favour of the candidate so recommended?

Petitioner's case:

2. For a proper appreciation of the issue, it would be appropriate to set out, in brief, the essential facts pleaded in the writ petition, which is reproduced below:
 - i) The petitioner obtained his M.A. degree in English with 63.13% marks from Jadavpur University, Kolkata. He thereafter qualified the NET-JRF in 2007 and was awarded a Ph.D. degree by Calcutta University in 2015. In the meantime, on 12.12.2008, he joined Dr. Bhim Rao Ambedkar College, University of Delhi, as a permanent Assistant Professor, and his appointment was duly approved with effect from the date of joining. Subsequently, he was promoted to the post of Assistant Professor, Stage-II (Academic Level-11) on 12.12.2014 and thereafter to Stage-III (Academic Level-12) on 15.02.2021.
 - ii) In 2020, with a view to fill up certain posts of Assistant Professor in different Colleges across the State, the Commission

initiated a recruitment process. Pursuant thereto, an advertisement being No. 01/2020 dated 24.12.2020 was issued, inviting applications from eligible and intending candidates.

- iii) In response to the said advertisement, the petitioner submitted his candidature for the post after obtaining a No Objection Certificate from the competent authority of Dr. Bhim Rao Ambedkar College, Delhi. He successfully cleared the interview held on 18.04.2023. Thereafter, on 22.09.2023, the merit panel for the post of Assistant Professor in English was published. On the same day, the vacancy/College list was also notified, with an instruction to the Governing Bodies of the concerned Colleges to indicate, within the stipulated time, if any discrepancies had crept into the said list.
- iv) Then, the merit-based counselling was conducted by the Respondent no. 2 on 3.10.2023. The petitioner chose the Ramkrishna Mission Residential College (Autonomous), Narendrapur, Kolkata (hereinafter referred to as the College). The petitioner got an information that the only special requirement of the College was that no lady candidate was eligible to choose the aforesaid College.
- v) The petitioner was required to sign a declaration form, which effectively forfeited his claim to appointment in any other College. Relying upon such declaration, he sold his flat in Delhi and shifted his residence to this State. However, for reasons best known to the

College, no letter of appointment has yet been issued in his favour. Thereafter, on 09.01.2024, the petitioner submitted a representation before respondent no. 2.

- vi) Subsequently, the petitioner approached respondent no. 3/College; however, the College declined to issue the letter of appointment on the ground that the recommendation of the Commission was not binding upon it. Confronted with such situation, the petitioner has been constrained to file the present writ petition.

Respondents' case:

3. The crux of the defence taken by the College Service Commission, respondent no. 2, in its affidavit-in-opposition affirmed by its Secretary, is that pursuant to the counselling process and on the basis of an undertaking furnished by the petitioner, a recommendation letter dated 29th December, 2023 was issued recommending the petitioner for appointment as Assistant Professor in English at Ramkrishna Mission Residential College (hereinafter referred to as "the College"). The said recommendation was duly received by the petitioner on 3rd January, 2024. On the very next day, i.e., 4th January, 2024, the petitioner approached the College with the intention of joining his post.
4. However, for reasons best known to the College, no letter of appointment was issued in his favour. Subsequently, by his letter dated 9th January, 2024, the petitioner expressed his grievances before the

Commission, and thereafter, through several further communications, sought its intervention in resolving the matter. The Commission has categorically denied certain allegations made by the petitioner against it.

5. The respondent no. 3, namely the College, has defended its decision to decline issuance of an appointment letter in favour of the petitioner in its affidavit-in-opposition affirmed by Swami Shastrajnananda, a monk of the Ramakrishna Order attached to the Ramakrishna Mission. In the said affidavit, it has been contended that the College is an autonomous body and functions as a branch centre of the Ramakrishna Mission, which is a society within the meaning of the West Bengal Societies Registration Act, 1961.
6. Ramakrishna Mission was founded by Swami Vivekananda, the foremost disciple of Sri Ramakrishna Paramhansa, with the motto "*Atmano Mokshartham Jagad Hitaya Cha*" (for one's own salvation and for the welfare of the world), and with the guiding principle that service to man is service to God. The organisation is based on the ideals of inter-faith and intra-faith harmony, recognising all religions as true and extending equal respect to every individual irrespective of religion or caste. It is engaged in diverse charitable activities, including the establishment and management of several reputed educational institutions, of which the College in question is one.
7. On 31st December, 2023, the College received a communication dated 29th December, 2023 from the Commission, recommending the petitioner's appointment to the post of Assistant Professor in English at the College. However, when the matter was placed before the Governing Body of the College for consideration, it transpired that the petitioner had, on various

occasions, made numerous comments and posts on social media platforms, which continued to remain accessible in the public domain.

8. Upon consideration of the said comments and posts, the Governing Body unanimously formed the view that the petitioner's strong opinions on religion and society, expressed through hatred and obscene remarks directed against another religion or ideology, were wholly inconsistent with the fundamental ideals, philosophy and guiding principles of the Ramakrishna Mission. It further emerged that on several occasions the petitioner had displayed a clear bias against the Ramakrishna Mission and had made derogatory, obscene and disparaging remarks against the institution as well as its monks.
9. Therefore, the Governing Body was of the view that the petitioner's appointment would pose a risk of permanently vitiating the atmosphere of the College and undermining the principles cherished and upheld by the Ramakrishna Mission. Accordingly, the Governing Body resolved not to accept the recommendation of the Commission, and this decision was duly communicated to the Commission by its letter dated 22nd January, 2024.
10. The specific plea taken by the College is that the recommendation of the Commission is not binding upon it, since the College is an autonomous body. According to the College, such recommendation cannot be regarded as enforceable in law, and the institution cannot be compelled to accept the appointment of a person whose fundamental ideals are wholly antithetical to those of the Ramakrishna Mission.
11. The stand taken by the petitioner in his affidavits-in-reply is that neither was any document produced nor was it ever disclosed to him that the

College had the authority to decline issuance of an appointment letter on such grounds. The petitioner further contends that, having signed a declaration which effectively forfeited his right to be considered for appointment in any other College, he has been placed in a precarious situation and is now left stranded in a no man's land, thereby being effectively deprived of his opportunity of employment.

12. The petitioner has further averred that India is a secular country and that government-funded institutions are expected to uphold secular principles. According to him, the College cannot claim protection under Article 30(1) or Article 26(a) of the Constitution of India. It is neither entitled to propagate any religious ideology nor permitted to compel anyone to adhere to such ideology, particularly when the Constitution guarantees to every citizen the fundamental right to freedom of speech and expression.
13. According to the relevant provisions of the College Service Commission Act, 2017, upon receipt of a recommendation, the College is required only to verify the candidate's documents and is obliged to permit the candidate to join. A College run by an autonomous body cannot claim immunity to reject the recommendation of the Commission or the candidature of a recommended candidate. It is further contended that the College already enjoys a specific exemption under the Act, in that the Commission will not recommend the name of a female candidate.

Submission:

14. All the parties, in addition to presenting their oral arguments, have filed their respective written notes of arguments.
15. Mr. Chakraborty, learned advocate representing the petitioner, contended that the College had never provided the petitioner with the so-called “Facebook posts” which it considered contrary to its ideology, obscene, or derogatory. He further submitted that no criminal proceedings have ever been initiated against the petitioner by the College. According to him, the College could have produced these documents before this Court, which is a Court of record, and such documents cannot be treated as privileged either by the College or by this Court. He alleged that the College’s actions constitute a grave violation of the principles of natural justice.
16. Referring to the provisions of Section 10 of the West Bengal College Service Commission Act, 2012, which, according to the petitioner, governs the present selection process, Mr. Chakraborty argued that the provision expressly stipulates that appointments to the post of Assistant Professor shall be made solely on the recommendation of the Commission. He argued that this statutory framework stands in stark contrast to any purported broader discretion claimed by a College to refuse to act upon the Commission’s recommendation.
17. It was contended that, in accordance with Clause 9 of the West Bengal College Service Commission (Manner of Selection of Persons for Appointment to the Posts of Assistant Professors, Principals and Librarians and Re-recommendation of Assistant Professors) Regulations, 2012 (hereinafter

referred to as “the 2012 Regulations”), empanelled candidates are to be called for counselling strictly in order of their merit and given the opportunity to select a vacancy, which shall then be allotted to them. It was further submitted that once a candidate exercises his choice, he immediately forfeits his right to select any other vacancy.

18. Mr. Chakraborty contended that prior to counselling, the petitioner was never informed that the College had the privilege to decline the Commission’s recommendation on the ground that the ideology of the recommended candidate was antithetical to that of the College. He further submitted that, based on his position in the panel, the petitioner could have chosen any other College. At present, due to the College’s arbitrary action, the petitioner, who has served nearly 17 years as a permanent Associate Professor in a Delhi-based university, is at risk of being deprived of a means of livelihood, which is a fundamental right protected under Article 21 of the Constitution of India.
19. Mr. Chakraborty contended that the College is not entitled to protection under Articles 26(a) and 30(1) of the Constitution of India, as it cannot claim to be a minority-run institution based on religion. To support this contention, he relied on the decision of the Supreme Court in *Bramchari Sidheswar Shai & Ors. v. State of West Bengal & Ors.*, reported in (1995) 4 SCC 646.
20. He argued that the College, although receiving aid from the State, defied the State’s authority by refusing to accept the recommendation of the Commission. He submitted that even if, without admitting, the petitioner had made certain remarks, a scholar has the right to conduct research, teach, and

express ideas without fear of institutional reprisal. According to him, merit, qualifications, and professional competence are the criteria to be assessed for appointment to the post. He further asserted that even an aided minority institution cannot act in contravention of any provision of the Constitution or statutes such as the 2012 Act. Private philosophical ideology cannot override the fundamental principles of equality, secularism, human dignity, and the right to free thought. He prayed for appropriate directions to ensure that the petitioner is allowed to join the College as an Assistant Professor in English.

21. To bolster his submission, he relied on certain decisions, *(2015) 5 SCC 1 (Shreya Singhal vs. Union of India & Ors.)*, *2007 (2) CHN 12 (Asian Leather Limited & Anr. vs. KMC)*, *(2014) 4 SCC 257 (Aveek Sarkar vs. The State of West Bengal & Ors.)*, *2014 SCC OnLine Cal 1990 (West Bengal College Service Commission & Ors. vs. Barnali Sen)*.
22. Mr. Panda, learned advocate appearing for the Commission, submitted that the Commission is empowered to conduct the selection process for filling posts, among others, in all Colleges across the State in accordance with the applicable State Act, as well as the rules and regulations framed by the University Grants Commission.
23. He submitted that in the requisition sent by the College to the Commission, wherein the College requested the Commission to recommend a suitable candidate for the post, there was no condition precedent, except for a request that no female candidate be recommended for the post.
24. He further submitted that the petitioner had participated in an open competition conducted by the Commission for the post and, after

consideration of his credentials and performance in the interview, was selected for the post. Following the merit-based counselling, the petitioner was recommended for the post in the College.

25. Mr. Panda emphasized that under the 2012 Act, there is no provision empowering any College to refuse to issue a letter of appointment in favour of a candidate recommended by the Commission. On the contrary, the Commission is the sole authority to select a candidate for any College, while the College's role is limited to issuing the letter of appointment.
26. He submitted that by its letter dated 22nd January, 2024, the College informed the Commission that the petitioner's strong views on religion and society, which, according to the College, amounted to expressions of hatred and obscene remarks towards another religion or ideology, were completely antithetical to the fundamental ideals of the institution, which is guided by the philosophy of the Ramakrishna Mission. Mr. Panda contended that such a ground cannot be regarded as a valid reason for denying the issuance of the letter of appointment in favour of the petitioner.
27. In response, Mr. Sarkar, appearing for the College, argued that the Ramakrishna-Vivekananda Movement is founded on a synthesis of all four yogas and the eternal principles of Vedanta, as lived and experienced by Sri Ramakrishna and further articulated by Swami Vivekananda. This includes the belief that all religions are true, representing different paths leading to the same divine goal, and that every soul is potentially divine. To promote these objectives, Swami Vivekananda founded two organizations, the Ramakrishna

Math and the Ramakrishna Mission, to further the core philosophy of the Movement: *“for one’s own salvation and for the welfare of the world.”*

28. Ramakrishna Mission is a religious and spiritual organization, also engaged in charitable and educational activities in furtherance of its religious beliefs, a fundamental right protected under Article 26 of the Constitution of India. The College, having no separate legal existence, is an integral part of the Ramakrishna Mission and is managed and administered by it. The Ramakrishna Mission itself is a non-governmental organization, a private entity, and a society registered under the Societies Registration Act, 1860.
29. The College received affiliation from the University of Calcutta in 2008 and has since been functioning as an autonomous body. It is run and managed by the Ramakrishna Mission in strict accordance with the teachings of Sri Ramakrishna and Swami Vivekananda. While the College welcomes diverse viewpoints and perspectives in line with the Mission’s spiritual tradition, it cannot accept views that disparage, defame, or blatantly and deliberately insult the very foundation of its core philosophy. Such expressions would undermine the fundamental rights of the Mission, as recognised in the decision in *Brahmachari Sidheshwar Shai* (supra).
30. It was argued that mere recommendation by the respondent no. 2 does not create any indefeasible right in favour of any candidate to get employment. Such recommendation is not binding on any College. The decision to appoint is to be taken by the Governing Body of the said College as per its own discretion.

31. The petitioner made certain comments on social media platforms, which remain publicly accessible and may be prejudicial to him; accordingly, these have not been disclosed in the affidavit-in-opposition. Taking note of the petitioner's strong views on religion and society, which allegedly display hatred and include obscene, defamatory and insulting remarks towards another religion as well as towards the Ramakrishna Mission and its monks, views entirely inconsistent with the fundamental principles of the Mission, the Governing Body unanimously resolved not to issue a letter of appointment in favour of the petitioner. The reasons for this decision were duly communicated to the Commission. He submitted that merely because the College receives aid from the Government, it cannot be construed that the College is bound to accept the recommendation of the Commission.
32. Mr. Sarkar argued that none of the provisions of the 2012 Act makes it mandatory for the College to appoint the petitioner to the post. In support of this contention, Mr. Sarkar relied upon certain decisions, namely, *2016 SCC OnLine Cal 5449 (The Governing Body of Bankim Sardar College & Anr. vs. The State of West Bengal)*, *(2008) 1 SCC 318 (Balakrushna Behera vs. Satya Prakash Dash)*, and *2020 SCC OnLine Cal 3344 (Arun Sarkar (Dr.) vs. State of West Bengal)*. Mr. Sarkar further submitted that the decisions cited by the petitioner are distinguishable on facts.
33. In reply, Mr. Chakraborty submitted that the decisions relied upon by the College are not applicable to the present case. He contended that the decision in *The Governing Body of Bankim Sardar College* (supra) was rendered in the context of the West Bengal College Service Act, 1978, and

therefore cannot be applied mechanically in the present case. Mr. Panda concurred with the contention of Mr. Chakraborty and argued that the decision in *Dr. Arun Sarkar* (supra) is also inapplicable to the factual matrix of this case. He further pointed out that the judgment in *Dr. Arun Sarkar* (supra) has already been assailed before the Hon'ble Supreme Court in Civil Appeal Nos. 6127–6128 of 2024, which are still pending final adjudication. Mr. Panda also submitted that the decisions cited by Mr. Sarkar in WPA 24596 of 2012 and W.P. No. 24023 of 2012 are distinguishable on facts.

34. During the course of hearing, I made an effort to explore the possibility of an alternative resolution of the issue and requested Mr. Panda to ascertain whether any other vacancy was available to accommodate the petitioner. In response, Mr. Panda initially submitted that the panel had already expired with the passage of time and that it was difficult to identify a suitable vacancy for accommodating the petitioner. Mr. Sarkar, on the other hand, contended that the petitioner could be appointed in any College since, according to him, the panel would not expire so long as the matter remained sub judice. In support of such contention, he relied upon the decision reported in 2015 SCC OnLine Cal 7880 (*Saroj Karmakar vs. The State of West Bengal & Ors.*). Ultimately, however, the petitioner pressed for a judicial determination of the issue.

Analysis and conclusion:

35. Article 26(a) of the Constitution of India undoubtedly recognises the right of every religious denomination, or any section thereof, to establish and maintain institutions for religious and charitable purposes, subject to public order, morality and health. In *Brahmachari Sidheswar Shai* (supra), it was held that citizens of India who profess, practise, or propagate the religious doctrines and teachings of Sri Ramakrishna and have become his followers cannot claim to constitute a minority. Consequently, they are not entitled to invoke the fundamental right under Article 30(1) of the Constitution of India, and the educational institutions established by them cannot be regarded as minority institutions entitled to any special status since the establishment of educational institutions is not an essential matter of their religion.
36. Undoubtedly, the College receives financial aid from the Government of West Bengal. Therefore, at best, it can be considered as a government-aided College.
37. Before delving into the merits of the issue, it is necessary to examine the statutory framework governing the matter. Section 7(1) of the 2012 Act stipulates that, notwithstanding anything contained in any other law for the time being in force or in any contract, custom or usage to the contrary, it shall be the duty of the Commission to select persons and recommend them for appointment to the posts of Principals, Assistant Professors and Librarians of Government-aided Colleges in West Bengal. Sub-section (4) of Section 7 further provides that, for the purpose of recommending eligible candidates to such posts, the Commission shall follow a counselling process as may be

prescribed by regulations. Section 10(1) of the 2012 Act, which deals with the effect of recommendations made by the Commission, lays down that, notwithstanding anything contained in any other law for the time being in force or in any contract, custom or usage to the contrary, appointments to the posts of Principals, Assistant Professors and Librarians of Government-aided Colleges in West Bengal shall be made only on the recommendation of the Commission.

38. Mr. Sarkar contended that the West Bengal College Service Commission Act, 1978 (hereinafter referred to as 'the 1978 Act') and the 2012 Act are *pari materia*. Accordingly, it is necessary to examine the corresponding provisions of the 1978 Act. Section 7(1) of the 1978 Act provided that, notwithstanding anything contained in any other law for the time being in force or in any contract, custom or usage to the contrary, it shall be the duty of the Commission to select persons for appointment to the posts of teachers of a College. Section 9(1) of the 1978 Act further laid down that, notwithstanding anything contained in any other law for the time being in force or in any contract, custom or usage to the contrary, appointments to the posts of teachers of a College shall be made only on the recommendation of the Commission. Therefore, the expressions indicating the duty of the Commission and the effect of its recommendation are identical in both enactments.

39. In *The Governing Body of Bankim Sardar College & Anr.* (supra), the Hon'ble Division Bench had occasion to consider whether the recommendation of the College Service Commission for the post of Principal,

or for that matter any teaching post, is binding on the College and mandatory, and whether, once a recommendation is made, the College may request the Commission to revise or alter the same. Upon examining the provisions of Sections 7, 8 and 9 of the 1978 Act, the Court held that none of the said provisions makes it mandatory for a College to appoint a candidate recommended by the Commission for appointment to the post of a teacher. Read together, those provisions mean that no person who is not recommended or approved by the Commission shall be appointed as a teacher or Principal of a College; however, the final decision whether or not to give appointment to the recommended person rests with the College authorities. Such decision, nevertheless, must be bona fide, free from arbitrariness, and taken in the best interest of the institution. Therefore, such decision would be amenable to judicial review.

40. In that decision, it was also held that the Governing Body of a College may have very good reasons for not accepting the recommendation of the Commission, in which case, the Governing Body should communicate its decision with reasons to the Commission and request for a fresh recommendation. It would be the duty of the Commission in that event to make a fresh recommendation in accordance with relevant provision. In that decision, it was further held that the Governing Body of a College may, for valid reasons, decline to accept the recommendation of the Commission. In such event, the Governing Body is required to communicate its decision along with the reasons to the Commission and request a fresh recommendation. It

would then be the duty of the Commission to make a fresh recommendation in accordance with the relevant provisions of law.

41. A judgment interpreting a provision of a repealed Act may serve as binding precedent for a subsequent case concerning an identical provision in the new, superseding Act. When the legislature reenacts a provision without substantial change, it is presumed to have accepted the judicial interpretation already placed upon that provision. This principle is encapsulated in the doctrine of Legislative Adoption. In this regard, useful reference may be made to *Grammon India Ltd. v. Special Chief Secretary*, (2006) 3 SCC 354, wherein the Supreme Court held that when the legislature reenacts a provision in identical or nearly identical terms, it is reasonable to presume that the legislature intends the provision to carry the same meaning as previously judicially construed.
42. Therefore, the decision in *The Governing Body of Bankim Sardar College & Anr.* (supra) is binding on this Court. Mr. Chakraborty argued that since the said decision was rendered under the 1978 Act, it has no application to the present selection process which was conducted as per the relevant provisions of the 2012 Act. However, as the corresponding provisions of both enactments employ identical expressions with respect to the duty of the Commission and the effect of its recommendation, the principle laid down in that decision applies equally to the present case, namely, that a College is not bound to accept the recommendation of the Commission and, for valid reasons, may request the Commission to make a fresh recommendation.

43. The next question that survives for consideration is whether the refusal of the College to issue a letter of appointment in favour of the petitioner, on the ground that his strong views on religion and society allegedly display hatred and include obscene, defamatory and insulting remarks against another religion as well as against the Ramakrishna Mission and its monks, views said to be wholly inconsistent with the fundamental principles of the Mission, can be regarded as just, proper, *bona fide*, free from arbitrariness, and in the best interest of the institution.
44. The comments allegedly made by the petitioner on social media have not been placed on record. Therefore, it would not be appropriate to make any observations on those comments in this order. Indisputably, neither the College, nor any authority, person, or the State has lodged any complaint against the petitioner in any forum alleging that he made obscene or disparaging remarks that could entail penal consequences.
45. The conflict between the petitioner and the College is essentially a value-based conflict. Essentially, differing viewpoints reflect underlying conflicts of values, rooted in fundamental convictions about how the world should be or how a particular idea ought to be perceived. Such conflict arises when individuals or groups hold divergent beliefs or values that are at variance with each other. A person's values are shaped by his social environment, identity, religion, faith, way of life and ideology; and when an individual or group does not accept or respect the ideology or ideals of another, the latter may perceive it as a threat. These conflicts are, however, natural, and it is equally true that every conflict is born with the potential for resolution.

46. There can be no justification for the apprehension that the ideology of the Ramakrishna Mission, which is founded on a synthesis of the four yogas and the eternal principles of Vedanta, embraces the belief that all religions are true as different paths leading to the same divine goal, affirms that every soul is potentially divine, and is rooted in the core philosophy of 'for one's own salvation and for the welfare of the world', would be diminished merely because an individual has made certain comments on social media and if such individual is permitted to render his service as an Assistant Professor in the College.
47. In the introduction to his book *Raja Yoga*, Swami Vivekananda wrote that religion is said to be based on faith and belief, and in most cases consists merely of different sets of theories, a factor crucial to the frequent quarrels between religions. He observed that if there is a soul, we must feel it, and if there is a God, we must perceive it; otherwise, it is better not to believe. It is preferable to be an outspoken atheist than a hypocrite. Swamiji emphasized that we must discern for ourselves whether we have a soul and whether there is a God in the universe. *Raja Yoga* teaches how to explore the innermost recesses of our minds. It does not ask what our religion is, whether we are Deists or Atheists, Christians, Jews, or Buddhists. Being human is sufficient. Every human being has the right and the power to seek religion. Each individual has the right to ask 'why' and to find answers for himself, provided he takes the effort. Therefore, the principles lived and experienced by Sri Ramakrishna, and further articulated by Swami Vivekananda, are of such

universality that they may be accepted even by persons professing a different religion, faith, or ideology.

48. In that view, I find no justification for the decision of the Governing Body of the College which proceeds on the premise that, merely because the petitioner had expressed certain views on social media and adheres to a different ideology, faith, or belief, his appointment would be detrimental to the ideology of the Mission, which is firmly anchored in its foundational principles.

49. As noted earlier, the College cannot claim to be a minority educational institution, nor can it claim any special status. It also cannot impose a condition on the Commission that recommendations for any post in the College be limited only to individuals who are followers of the ideology of the Ramakrishna Mission or who do not bear any different ideology.

50. In response to my query, Mr. Chakraborty has assured that the petitioner shall not make any comments against the ideology of the Ramakrishna Mission in public. In view of this assurance, I am of the opinion that the Governing Body ought not to entertain any apprehension that an individual like the petitioner may pose an imminent threat to the ideology of the Ramakrishna Mission.

51. It is needless to observe that, if any act or comment of the petitioner is found and established to be detrimental to the best interests of the institution, it shall be open to the Governing Body to initiate and pursue appropriate disciplinary action against him in accordance with law.

52. I have carefully gone through the decisions cited by Mr. Sarkar. There is no scintilla of doubt regarding binding present set in those decisions; however, those are distinguishable on facts.

Order:

53. Therefore, for the reasons and discussions set forth in the foregoing paragraphs, the present writ petition is disposed of by directing the respondent Nos. 3 and 4 to issue the letter of appointment in favour of the petitioner to the post of Assistant Professor in English at the College, and to permit him to join the said post within a period of four weeks from the date of receipt of a copy of this order.
54. With these observations and order, the present writ petition and its connected application are, thus, disposed of. There shall be however, no order as to the costs.

(Partha Sarathi Chatterjee, J.)

Later:

After pronouncement of the judgment in open court, learned Advocates respectively the respondent nos. 1 & 2, prays for stay of operation of the judgment for a period of two weeks.

Such prayer is considered and rejected.

(Partha Sarathi Chatterjee, J.)