

IN THE HIGH COURT AT CALCUTTA
Civil Appellate Jurisdiction
Appellate Side

Present:

The Hon'ble Justice Debangsu Basak

And

The Hon'ble Justice Md. Shabbar Rashidi

MAT 1604 of 2025

**The Secretary, Ramkrishna Mission Residential College
(Autonomous), Narendrapur & Anr.**

Vs.

Tamal Dasgupta & Ors.

With

COT 163 of 2025

Tamal Dasgupta

Vs.

**The Secretary, Ramkrishna Mission Residential College
(Autonomous), Narendrapur & Ors.**

For the Appellants	: Mr. Deepan Kumar Sarkar, Adv. Ms. Arti Bhattacharyya, Adv. Ms. Samriddha Sen, Adv. Ms. Deepti Priya, Adv.
For the Respondent Tamal Dasgupta	: Mr. Raghunath Chakraborty, Adv Ms. Amrita De, Adv.
For the West Bengal College Service Commission	: Mr. Subhrangsu Panda, Adv. Ms. Ina Bhattacharyya, Adv. Ms. Mithu Singha Mahapatra, Adv.
Hearing Concluded on	: June 15, 2026
Judgement on	: July 1, 2026

DEBANGSU BASAK, J.:-

1. An appeal and a cross objection have been heard by us analogously as they emanate out of the same impugned judgment and order dated September 4, 2025 passed in WPA 6005 of 2024. A College and its Secretary have filed MAT 1604 of 2025 while the writ petitioner has filed the cross objection being COT 163 of 2025.
2. For the sake of convenience the College and its Secretary are referred to as the appellants while the party who has filed the cross objection is referred to as the writ petitioner.
3. By the impugned judgment and order, learned Single Judge has disposed of the writ petition of the writ petitioner by directing the appellants to issue the letter of appointment in his favour to the post of Assistant Professor in English at the college and to permit him to join such post within a period of four weeks.
4. Learned advocate appearing for the appellants has submitted that, the appellant No. 2 is run by Ramkrishna Mission Narendrapur which is a branch of Ramkrishna Mission. He has contended that, both the appellant No. 2 and Ramkrishna Mission Ashram are inalienable limbs of

Ramkrishna Mission. Ramkrishna Mission is a religious and charitable non-governmental organization. He has contended that, Ramkrishna Mission is a society registered under the Societies Registration Act, 1860 and deemed to be registered under the West Bengal Societies Registration Act, 1961.

5. Learned advocate appearing for the appellants has submitted that, appellants notified one vacancy in respect of Assistant Professor in English language for the appellant No. 2. West Bengal College Service Commission had undertaken a selection process and recommended the writ petitioner for appointment.

6. Learned advocate appearing for the appellants has submitted that, the governing body of the appellant No. 2 took up the recommendation of the West Bengal College Service Commission in respect of writ petitioner. It had transpired in such meeting that, the writ petitioner made a large number of public statements and posts from time to time on social media platforms available in the public domain, which were strong views on religion and society. He has contended that, such posts of the writ petitioner displayed hatred, and contained obscene, scurrilous, demeaning and insulting remarks

directed at another religion and ideology and principles of Ramkrishna Mission and its monks. Such comments were completely anti-ethical to the fundamental ideas, ideals and philosophy of Ramkrishna Mission. Writ petitioner had appeared biased against Ramkrishna Mission and made derogatory/obscene/disparaging remarks against Ramkrishna Mission and its monks.

7. Learned advocate appearing for the appellants has submitted that, the members of the governing body of the appellant No. 2 unanimously concluded that, appointment of the writ petitioner to the college would vitiate the atmosphere of the college permanently, diluting the principles of Ramkrishna Mission and defeating the purpose and objective behind running the college.

8. Learned advocate appearing for the appellants has submitted that, the governing body of the college therefore, did not accept the recommendation to appoint the writ petitioner and by a letter dated January 22, 2024 communicated the decision to the West Bengal College Service Commission of non-acceptance.

9. Learned advocate appearing for the appellants has contended that, West Bengal College Service Commission neither responded to the letter dated January 22, 2024 nor objected thereto.

10. Learned advocate appearing for the appellants has contended that, the appellants have a right of refusal of the recommendations made by the West Bengal College Service Commission. He has relied upon **2017 (1) Cal LJ 102 (The Governing Body of Bankim Sardar College & Anr. vs. State of West Bengal and Another)** for the proposition that, a college can refuse the recommendation of the West Bengal College Service Commission.

11. Learned Advocate appearing for the appellants has contended that, the direction contained in the impugned judgment and order is inimical to the rights of the appellants. The appellants cannot be forced to enter into a contract for employment which the impugned judgment and order has directed.

12. Learned advocate appearing for the writ petitioner has submitted that, the writ petitioner participated in a selection process for the appointment to the post of Assistant Professor.

Writ petitioner has the requisite qualification to be appointed to such post. West Bengal College Service Commission had initiated a selection process where the writ petitioner had participated. In such selection process, writ petitioner had opted for the college run by the appellant No. 2 for his appointment. West Bengal College Service Commission had recommended the appointment of the writ petitioner to the college run by the appellant No. 2.

13. Learned advocate appearing for writ petitioner has contended that, in the event the college does not accept the recommendation of the West Bengal College Service Commission and grant appointment, then, the writ petitioner will lose all other opportunities in the selection process.

14. Learned advocate appearing for writ petitioner has contended that, the teaching capability of the writ petitioner was not doubted by the appellants. The allegation against the writ petitioner is of alleged posts made in the social media platforms. He has submitted that, such posts are personal in nature. Such posts have nothing to do with the teaching capability of the writ petitioner.

15. Learned advocate appearing for the writ petitioner has contended that, the college is not a minority institution. Therefore, the college has no right of rejection of the recommendation made by the West Bengal College Service Commission. He has contended that, the selection of the writ petitioner was made on the basis of requisition issued by the appellants.

16. Learned advocate appearing for the writ petitioner has contended that, on a previous occasion, the college had informed the West Bengal College Service Commission not to recommend any female candidates. West Bengal College Service Commission had accepted such request of the college and accordingly did not recommend any female candidate.

17. Learned advocate appearing for the writ petitioner has contended that, once a recommendation was made by the West Bengal College Service Commission then the college which is not a minority institution does not possess any power to reject such recommendation. He has referred to the letter of rejection. He has contended that, the grounds specified therein are no ground at all. He has also referred to the letter dated December 29, 2023 issued by the West Bengal College

Service Commission recommending the candidature of the writ petitioner to the appellants.

18. Learned advocate appearing for the writ petitioner has contended that, since, the college is not a minority institution, it has no right to refuse the recommendation of the West Bengal College Service Commission. He has contended that, the college did not challenge the recommendation made by the West Bengal College Service Commission.

19. Learned advocate appearing for the writ petitioner has referred to the letter of objection of the college. He has also referred to the posts which are alleged to be made by the writ petitioner in the social media platform. He has contended that, such post cannot be termed as obscene. In support of such contention, he has relied upon **1983 Volume 2 Supreme Court Cases 145 (State of Madhya Pradesh vs. Ramashanker Raghuvanshi and Another)** and **2024 Volume 6 Supreme Court Cases 181 (Apoorva Arora and Another vs. State (Government of NCT of Delhi) and Another).**

20. Learned advocate appearing for the writ petitioner has relied upon **2018 Volume 9 Supreme Court Cases 501**

(Tehseen S. Poonwalla vs. Union of India and Others), **2024 Volume 4 Supreme Court Cases 156 (Javed Ahmad Hajam vs. State of Maharashtra and Another)**, **2015 Volume 2 Calcutta Law Times 71 (Ambikesh Mahapatra and Anr. vs. The State of West Bengal and Ors.)**, and **AIR 1962 Supreme Court 955 (Kedar Nath Singh vs. State of Bihar)** on the issues of right to dissent, minority status and sedition. He has submitted that, the Facebook posts cannot be termed as seditious.

21. Learned advocate appearing for writ petitioner has referred to the letter dated January 22, 2024 issued by the college. He has contended that, the contents therein are unsubstantiated.

22. Learned advocate appearing for writ petitioner has referred to Articles 19 and 31 of the Constitution of India. He has contended that, freedom of speech of the writ petitioner is guaranteed by the Constitution of India. He has relied upon **1995 Volume 4 Supreme Court Cases 646 (Bramchari Sidheswar Shai and Others vs. State of W. B. and Others)**, **2023 Volume 4 Supreme Court Cases 1 (Kaushal Kishor vs. State of U.P and Others.)**, and **1980 Volume 2**

Supreme Court Cases 593 (Gujarat Steel Tubes Ltd and Others. Vs. Gujarat Steel Tubes Mazdoor Sabha and Others) in this regard.

23. Learned advocate appearing for the West Bengal College Service Commission has referred to the West Bengal College Service Commission Act, 2012. He has submitted that, West Bengal College Service Commission had acted in accordance with the Act of 2012 in recommending the candidature of the writ petitioner. He has referred to Section 7 and 10 of the Act of 2012.

24. Learned advocate appearing for the West Bengal College Service Commission has relied upon West Bengal College Service Commission (Manner of Selection of Persons for Appointment to the Post of Assistant Professor, Principals, Librarians, Assistant Professors) Regulations, 2012. In particular, he has referred to Regulation 3 and 9 thereof. He has contended that, the only ground for refusal is of ineligibility. He has contended that, the writ petitioner cannot be termed to be ineligible for a grant of appointment. In this regard, he has referred to the advertisement inviting

applications for appointment to the post of Assistant Professors in different subjects of Government aided colleges.

25. Learned advocate appearing for the West Bengal College Service Commission has relied upon **2020 Volume 2 Cal LJ 209 (Arun Sarkar (Dr.) vs. State of West Bengal and Ors.)**, **2017 Volume 1 Cal LJ 102 (The Governing Body of Bankim Sardar College and Another vs. State of West Bengal and Ors.)** and **2002 Volume 1 Cal LT 330 (Managing Committee, Chetla Boys High School & Ors vs. West Bengal Board of Secondary Education & Ors.)** in support of his contentions.

26. West Bengal College Service Commission had issued advertisement No. 1/2020 inviting obligation for the post of Assistant Professor in State aided degree colleges in West Bengal.

27. The writ petitioner had participated in such selection process. West Bengal College Service Commission had issued a notification calling for an interview on April 4, 2023. Writ petitioner had participated in such interview on April 18, 2023. West Bengal College Service Commission had published a merit list and vacancy list on September 22, 2023. Writ

petitioner had participated in the merit based counselling on October 3, 2023.

28. West Bengal College Service Commission had issued a recommendation letter in favour of the writ petitioner which the writ petitioner received on January 3, 2024. Writ petitioner had visited the office of the appellants on January 4, 2024 for the purpose of appointment. Writ petitioner had issued a representation to the appellants on January 9, 2024 and a reminder letter dated January 20, 2024. Writ petitioner had issued a representation dated January 22, 2024 to the appellants.

29. By a letter dated January 22, 2024, the appellants had informed the West Bengal College Service Commission of the views of the governing body of the college. Appellants had cited the strong views of the writ petitioner on religion and society and claimed that such views were completely anti-ethical to the fundamental ideas, ideals and philosophy of Ramkrishna Mission which fosters unity and equal respect for all religion and faith. Moreover, the writ petitioner had a clear bias and made derogatory/obscene/disparaging remarks against Ramkrishna Mission and its monks from time to time.

Appellants had voiced their serious concern over grant of appointment to the writ petitioner as an Assistant Professor which is a substantive post, whose views are aggressively opposed to the fundamental ideals of Ramkrishna Mission and its institutions. According to the appellants, such appointment would risk vitiating the atmosphere of the college permanently and diluting the principles of Ramkrishna Mission. Accordingly, the appellants had regretted the inability to accept the recommendation for the appointment of the writ petitioner.

30. The present appeal has raised the fundamental issue of whether or not a government aided college is under an obligation to accept a recommendation for the appointment of a teaching staff without any right of refusal. In the event, this fundamental issue is answered by holding that, a government aided college has the power of refusal then, the next question that has arisen is whether, in the facts and circumstances of the present case, the appellants were justified in refusing to grant appointment to the writ petitioner or not.

31. The first issue has received consideration by a Co-ordinate Bench in ***The Governing Body of Bankim Sardar***

College & Anr. (supra). In that case, a learned Single Judge had referred few questions to the Division Bench for decision. Out of the questions so referred, the first had concerned, whether a recommendation made by the College Service Commission for the post of Principal, or for that matter, any teaching post is binding upon the college and mandatory in nature or not. The next question was, whether once a recommendation had been made, could the college request the College Service Commission to revise or change such recommendation.

32. Co-ordinate Bench in ***The Governing Body of Bankim Sardar College & Anr. (supra)*** has answered such questions by holding that, final decision whether or not to give appointment to the selected person is in the realm of the college authority. The decision of refusal of the College must however, be bona fide, free from arbitrariness and in the best interest of the concerned institution.

33. ***The Governing Body of Bankim Sardar College & Anr. (supra)*** has considered such questions in the light of the provisions of the West Bengal College Service Commission Act, 1978 and the regulations framed thereunder. In particular it

has considered Sections 7, 8 and 9 of the Act of 1978. The Act of 2012 has repealed the Act of 1978. The present case is governed by the Act of 2012 and the regulations framed thereunder.

34. Sections 7, 8 and 9 of the West Bengal College Service Commission Act, 1978 which the co-ordinate Bench has considered are as follows:-

7, (1) 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:

Provided that—

(i) for selection of persons for appointment to the posts of Teachers other than Principal, the Commission shall be aided by two persons having special knowledge on the subject for which such selection is to be made, of whom one shall be a nominee of the University to which such college is affiliated and the other shall be a nominee of the Chancellor of such University,

(ii) for selection of person for appointment to the post of Principal, the Commission shall be aided by the Vice-Chancellor of the University to which such college is affiliated or his nominee and a nominee of the Chancellor of such University.

(2) It shall also be the duty of the Commission to advise the Chancellor or the State Government on such manner as may be referred to in by either of them.

8. (1) *The manner of selection of persons for appointment to the posts of Teachers of a college shall be such as may be provided for by regulations.*

(2) *The procedure for the conduct of business of the Commission shall be such as may be provided for by regulations.*

9. '(1) *Notwithstanding anything contained in any other law for the time being on force or in any contract, custom or usage to the contrary, appointments to the posts of Teachers of a college shall be made on the recommendation of the Commission.*

'(2) *Notwithstanding anything contained in sub-section (1),—*

(a) *any recommendation, made before the constitution of the Commission, by the Selection Committee referred to in the first proviso to section 3 of the West Bengal College Teachers (Security of Service) Act, 1975 for appointment to any post of Teacher of a college shall remain valid for a period of one year and six months from the date of such recommendation and appointment to such post shall be made on such recommendation;*

(b) *recommendation of the Commission shall not be necessary with respect to the appointment, on a part-time basis,—*

• (i) *to a post of Teacher of a college in the professional subject of law, accountancy, business organisation or secretarial practice, or (ii) to any vacancy for a period not exceeding six months in any other post of Teacher of a college occurring by reason of leave.*

'(3) *The method of, and the qualifications required for, appointment of a Teacher of a college under clause (b) of sub-section (2) shall be such as may be prescribed. '*

35. Chapter III of Act of 2012 has dealt with the powers and functions of the Commission and zone which are as follows:-

6. (1) *There shall be eight zones of the Commission consisting of following: Burdwan University zone, Calcutta University zone, Gour Banga University zone, Kalyani University zone, North Bengal University zone, Sidho Kanho Birsha University zone, Vidyasagar University zone, West Bengal State University (Barasat, North 24-Parganas) zone:*

Provided that there may be further zone or zones of the Commission as may be notified by the State Government from time to time.

(2) *The jurisdictional limit of every zone of the Commission may be determined by the State Government in consultation with the Commission, by order.*

7. (1) *Notwithstanding anything contained in any other law for the time being in force or any contract, customs or usage to the contrary, it shall be the duty of the Commission to select persons and to recommend for appointment to the post of Principals, Assistant Professors and Librarians of Government aided Colleges in West Bengal.*

(2) *The Members of the Commission shall render necessary advice to the Chairperson in preparing a panel of eligible candidates seeking appointments to the post of Principals in various Government aided Colleges in the State, in such manner as may be provided by regulations.*

(3) *The Members of the Commission shall assist the Chairperson in the selection process of candidates for State wide empanelment of Assistant Professors and Librarians in various Governments aided Colleges in the State, in such manner as may be provided for by regulations.*

(4) *For the purpose of recommendation of eligible candidates in each post under this Act, the Commission shall follow a counselling process as may be provided by regulations.*

8. (1) *The manner of selection of persons for appointment to the post of Principals, Assistant Professors and Librarians in various Government aided Colleges shall be such as may be provided for by regulations.*

(2) *The conditions regarding eligibility for selection of persons to the post of Principals, Assistant Professors and Librarians in various Government aided Colleges shall be such as may be prescribed by the State Government.*

(3) *For selection of persons for appointment to the post of principals in various Government aided Colleges in West Bengal, the Commission shall be aided by the following experts,—*

(i) *the Chancellor's nominee, not below the rank of a Professor of a University; and*

(ii) *not less than two Vice-Chancellors of different Universities or their nominees, not below the rank of a Professor of a University:*

Provided that where all the posts of Principals in Government aided Colleges intended for appointment fall under the jurisdiction of a single University, the Commission shall be aided by the

Vice-Chancellor or his nominee not below the rank of a Professor, of that University and any other Vice-Chancellor or his nominee not below the rank of a Professor of any other University as may be provided for by regulations.

(4) For selection of persons for appointment to the post of Assistant Professors and Librarians in various Government aided Colleges, the Commission shall constitute a panel of experts having special knowledge on the subject for which such selection .is to be made.

(5) In the panel constituted under sub-section (4), there shall be one nominee, not below the rank of a Professor from each University to which such Colleges are affiliated and shall include one expert not below the rank of a Professor representing all the Universities as the nominee of the Chancellor. The Commission may, in its discretion, appoint one expert not below the rank of a University Professor as its nominee in the said panel.

(6) The quorum for a panel shall be such as provided for by regulations.

(7) In every selection of candidates in any post, the Commission should satisfy itself before advertising such post that relevant reservation policy and rules of the State Government in this respect have been duly complied with.

(8) The State Government may, by notification in the Official Gazette, provide suitable provisions for relaxation of age for certain categories of candidates for the purpose of appearing in the selection process of Assistant Professors and Librarians.

9. (1) *Procedure for conduct of business of the Commission shall be such as may be provided by regulations.*

(2) *The State Government may give directions to the Commission in conducting their business not repugnant with the provisions of this Act.*

10. (1) *Notwithstanding anything contained in any other law for the time being in force or in any contract, customs or usages to the contrary, appointments to the posts of Principals, Assistant Professors and Librarians of the Government aided Colleges in West Bengal shall be made on recommendation of the Commission:*

Provided that if in a College referred to in this section, no student is admitted in a particular subject for two consecutive academic sessions, the Commission may, with prior approval of the State Government, re-recommend such Assistant Professor of such subject to another College having such post in same subject where such students are available.

(2) *Recommendation of the Commission shall not be required in respect to any appointment on part-time basis or contractual basis unless otherwise provided under this Act*

11. *Notwithstanding anything contained elsewhere in this Act, the terms and conditions of service of Principals, Assistant Professors or Librarians of a College immediately before the commencement of this Act, shall not be varied to the extent of disadvantage of such Principals, Assistant Professors or Librarians, as the case may be, in so far as such terms and conditions are related to the*

appointment to such posts held by them immediately before the commencement of this Act.

12. The Commission may call for any records, reports or other information from any college, Government College or from any University, if in its opinion, such records, reports or other information is necessary for efficient discharge of its functions and in such cases, the College or the University shall furnish such records, reports or other information to the Commission, as the case may be.

36. Effect of recommendation under the Act of 1978 has been diluted in Section 10(1) of the Act of 2012. The proviso to Section 10(1) of the Act of 2012 has the effect of permitting the Commission, in the event, no student is admitted in a particular subject for two consecutive academic sessions, to re-recommend the Assistant Professor to another College where students are available. The repealed Act of 1978 did not have provision of re-recommendation. Sub-Section (2) of Section 10 has provided that no recommendation of the Commission is required in respect of any appointment on part time basis or contractual basis unless provided for under the Act of 2012.

37. The Act of 2012 has allowed re-recommendation of a candidate. It has by necessary implication acknowledged that

a recommendation may not be acted upon, therefore, retaining the right to make a re-recommendation. While, the Act of 1978 did not provide for re-recommendation of an Assistant Professor, the first proviso to Section 10 (1) of the Act of 2012 has envisaged the same and provided for it. Moreover, Sub-Section (2) of Section 10 of the Act of 2012 has provided for appointment on a part time or contractual basis without recommendation of the West Bengal College Service Commission whereas, the Act of 1978 has a much stricter provision in this regard.

38. A far more stringent effect of recommendation of the West Bengal College Service Commission as embodied in Section 9 of the Act of 1978, has been read and understood by the Coordinate Bench in ***The Governing Body of Bankim Sardar College & Anr. (supra)*** to mean that, the concerned college has a right of refusal of such recommendation provided that, the decision to refuse is bona fide, free of arbitrariness and in the best interest of the concerned institution.

39. The provisions of recommendations made under the Act of 2012 have to be considered in light of the provisions of the Contract Act, 1872 and the Specific Relief Act, 1943. It is trite

law that, contract is to be entered into voluntarily to be legally valid. The appellants would be entering into a contract of employment on the basis of the recommendation of the Commission. The Act of 2012 does not impact the voluntary nature of contract of employment an Education Institution is required to enter into in the basis of the recommendation of the Commission. Commission under the Act of 2012 is the authority to short list the list of candidates who are found eligible to be recommended for appointment, after a duly held selection process identifies the list of successful candidates. All that the Act of 2012 prohibits is employment of the specified classes without the recommendation of the Commission. Such prohibition does not impact the requirement of the Contract Act for all contracts to be entered into by free will.

40. A contract of employment cannot be specifically enforced under the provisions of the Specific Relief Act, 1943. Such prohibition is however subject to three exceptions. The recommendation of the Commission do not fall within the exceptions thereof.

41. The provisions of the Act of 2012 including the provisions for recommendation have to be read in the context of existing laws in the country. The provisions of the Act of 2012 should not be read in derogation of the existing laws. Laws governing contract has also been overridden by the provisions of the Act of 2012. In such context, a recommendation made under the Act of 2012 has to be read and understood.

42. In our view, the scheme of the Act of 2012 is to ensure that, the quality of the teaching staff in respect of educational institutions governed by the Act of 2012 meets the requisite standard. In ensuring that such minimum standard of the teaching staff is maintained the College Service Commission has been vested/entrusted with the authority to make recommendations for appointment. Educational institutions governed by the Act of 2012 have been ordained not to appoint other than the recommendations made by the College Service Commission, save and except for the exceptions provided therein.

43. The right of refusal of the concerned educational institutions to accept the recommendation does not militate

against the scheme of the Act of 2012. Rather, it advances the objects of the Act of 2012 of maintaining the quality of the teaching staff of the educational institution. An educational institution governed by the Act of 2012 can reject a recommendation made by the College Service Commission. However, such rejection must conform to the parameters laid down in the ratio of the Co-ordinate Bench in ***The Governing Body of Bankim Sardar College & Anr. (supra)***.

44. Significantly, the Act of 2012 vests the authority of appointment with the concerned educational institution despite the recommendation of the College Service Commission.

45. The contention of the writ petitioner that, since the panel has expired therefore, the writ petitioner will have no recourse to employment is not acceptable in the facts and circumstances of the present case. Writ petitioner had participated in the selection process knowing fully well that he would be recommended to one particular educational institution only, and that, such educational institution retains the right to refuse appointment. Expiry of the panel or the inability to get an appointment through the selection process

are no grounds for the writ court to force the educational institution to enter into a contract of employment which it does not want for valid reasons.

46. Writ petitioner as a participant in a selection process has a right of fair consideration. Writ petitioner does not possess an absolute right to the appointment. In the facts of the present case, candidature of the writ petitioner was considered fairly. His appointment was refused on a ground which is plausible. A Writ Court need not sit in appeal over such plausible view of the appellants.

47. In such circumstances, the fundamental issue as to whether, a college falling within the purview of the Act of 2012 has the right to refuse the appointment of a candidate recommended by the West Bengal College Service Commission or not, is answered by holding that, such college has the right to do so, provided that, the decision not to accept the recommendation is bona fide, free of arbitrariness and in the best interest of the concerned institution.

48. Having answered such issue as noted above, the next question is whether, the right of refusal which the appellants

had, was exercised in a bona fide, free from arbitrariness and in the best interest of the institution or not.

49. Writ petitioner had made facebook posts prior to the recommendation. Such facebook posts appear as part of the records. Without entering into the details of each of those facebook posts, suffice it to say, that through such posts, writ petitioner has expressed strong views on religions, conduct of the Ramkrishna Mission of which, the college is a part, and the monks of Ramkrishna Mission. Writ petitioner has also expressed strong views with regard to other religions in the context of the religion professed by the writ petitioner.

50. Every person has the fundamental right to profess his or her religion. Right to profess such religion however, cannot be construed to mean that, such person is permitted to hurt the faith or the religious sentiments of any other person. The facebook posts of the writ petitioner has the propensity of hurting sentiments of other religions.

51. A view of the authority which is plausible on a given factual matrix cannot be termed to be arbitrary. The Governing body of the appellants have taken a decision of unsuitability of the writ petitioner in the interest of the

educational institution, on the basis of the views of the writ petitioner expressed on the social media platforms. Therefore, decision of the Governing body of the Educational Institution, cannot be said to be not plausible. Once such decision cannot be classified as not plausible, it cannot be held to be arbitrary. There is nothing on record to establish that, the decision of the appellants is malafide or contrary to the best interest of the concerned institution. Simpliciter on the ground that the impugned decision of the appellants rejects the recommendation for the appointment of the writ petitioner, it cannot be treated as malafide.

52. The contention of the writ petitioner that, his fundamental right of freedom of speech and to practice religion have been affected by the decision of the appellants, cannot be accepted. The decision of the appellant is in relation to a recommendation made by the West Bengal College Service Commission and has no bearing on either the freedom of speech of the writ petitioner or his fundamental right to practice his religion. By the decision impugned in the writ petition the College has neither prevented the writ petitioner

from expressing his views nor restrained him from practising his religion.

53. We need not enter into the arena as to whether or not the views of the writ petitioner are obscene or seditious as they are not issues for the purpose of consideration of the impugned decision of the College in the writ petition. Views which may neither be seditious nor obscene, be nonetheless inimical to the concerned educational institution. The authorities on the subject of obscenity and sedition cited at the Bar, therefore, need not to be alluded to in any details herein.

54. So far as the cross appeal of the writ petitioner is concerned, it is directed against specified recordings made in the impugned judgment and order. The subject recording in the impugned judgment and order is to the effect that, in response to the query of the Court, learned advocate appearing for the writ petitioner had assured the Court that the writ petitioner if given the appointment would not persist with his views as expressed earlier, in the social media platform.

55. Writ petitioner did not approach the learned Single Judge who had made the recording in the impugned judgment and order as to the alleged incorrectness thereof. We are not minded to enter into such arena as, we have decided to set aside the impugned judgment and order itself.

56. In view of the discussions above, the impugned judgment and order dated September 4, 2025 passed in WPA 6005 of 2024 is set aside. MAT 1604 of 2025 and COT 163 of 2025 are disposed of accordingly without any order as to costs.

[DEBANGSU BASAK, J.]

57. I agree.

[MD. SHABBAR RASHIDI, J.]