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To
The Principal
-----College
The Registrar,
-----University

Sir,

This has reference to your show Cause Notice dated -----enclosing thereto copy of Government Memo No. 97-ILC/OM-42L/2012, dated 12.3.13 (incase of university order issued by the Addl Secretary, Govt. Higher Education Dept. Govt. of West Bengal. 289(14)-Edn (U)/OM-42L/2012 dated 8.3.13) received by me on _____.

At the outset I have to say that the Show Cause Notice has been issued on the basis of order issued by the DPI, West Bengal/(Addl. Secretary, Dept. of Higher Education, Govt. of West Bengal) which in turn refers to a Government Memo No. 2013-F(P) dated 06.03.2012. Memo No. 1256-F(P) dated 18.2.13 and Memo No.3291-F(P) dated 19.4.12. The said memo dated 06.03.2012, on a conjoint reading with the Circular No. 283(60)-PS dated 21.02.2012 bears no doubt whatsoever that the memo dated 06.03.2012 and the Government Circular dated 21.02.2012 were directed against Government employees working in State Government offices. Neither the conduct nor consequence thereof relating to 20.02.2013, the day of General Strike, is therefore referable to our educational institution, which is an affiliated college under the -----University

Sir being a member of the Teaching Staff of the College/University my appointment letter was issued by the Governing Body/University Authority and my Disciplinary Authority is also the Governing Body/University Authority of the College/University. However, it appears that the independent mind and decision making authority of my Disciplinary Authority has been absolutely influenced by the DPI/(Addl. Secretary, Dept. of Higher Education, Govt. of West Bengal) on application of the doctrine of dictation, and that too, by referring to an inapplicable circular mentioned above.

Sir you will appreciate that as a teaching staff of the College my service conditions are governed by the College Teachers (Service Security) Act, 1975 and also by the provisions of Calcutta University First Statutes, 1979.

Introduction of any Rule of conduct or direction entailing an evil consequence, and/or imposition of a punishment which does not find place in the statutorily laid down conditions of service are therefore beyond authority and jurisdiction.

You will also appreciate that no notice was ever issued by the Governing Body of the College/(Registrar,-----University) before 20.02.2013 spelling out the circumstances in which leave would not be granted on 20.02.2013 , and the consequence of remaining absent on that day. Therefore the Show Cause Notice has been issued by keeping me in complete dark as regards the manner in which absence on 20.02.2013 would be treated.

The order from the DPI(Addl. Secretary, Higher Education Dept) as envisaged in the Memo dated 12.03.2013(Incase of University -----8-3-2013) reflect that the entire exercise of issuing the Show Cause Notice is predetermined and prejudged, and therefore is violative of the principles of natural justice and fairplay.

The memo dated 12.03.2013 (Incase of University 8.03.2013) has foreclosed the aspect of deciding the justifiability of absence, and even the consequence has been decided by an administrative circular of the Government, which is restricted to Government employees in it's applicability, and not to employees of Govt. aided colleges of West Bengal/State Aided University.

Sir, I have to say that provisions have been incorporated in the ----- University Act, ----- and ----- University First Statutes, ----- regarding the manner in which a statutory amendment may be carried out so as to alter the conditions of service of the teaching staff of the affiliated colleges. An entire chapter has been devoted in ----- University First Statutes, ----- regarding leave to be availed of by the teaching staff. Such statutorily laid down conditions of service cannot be overruled by an executive circular or memorandum issued by the Government.

To be
replaced
for
those
who
had not
applied

I say that I had already applied for casual leave on 20.02.2013 vide my letter dated -----indicating the reasons therein, and you sat tight over the application for unknown reason till the directive of the office of the DPI /(Addl. Secretary, Dept. of Higher Education, Govt. of West Bengal) was received by you after 12.03.2013(Incase of University 8.03.2013). Such an action is violative of the Principles of natural justice and also in excess of authority and jurisdiction.

In such circumstances I request your goodself to immediately withdraw the Show Cause Notice under reply forthwith.