

Dated-----

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 ----- (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 -----)]* received by me on _____.

To be replaced

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 -----**. **Memo No. 1256-F(P) dated -----** -- and **Memo No.3291-F(P) dated -----**. The said memo dated -----, on a conjoint reading with the Circular No. ----- dated ----- bears no doubt whatsoever that the memo dated ----- and the Government Circular dated ----- were directed against Government employees working in State Government offices. Neither the conduct nor consequence thereof relating to -----, the day of General Strike, is therefore referable to our educational institution, which is an affiliated college under the -----University

To be replaced

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*.

Replace if necessary

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----- spelling out the circumstances in which leave would not be granted on ----- , 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 ----- would be treated.

The order from the DPI(Addl. Secretary, Higher Education Dept) as envisaged in the Memo dated -----(*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 ----- (*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.

for those who had applied for Leave in advance

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.

Change dates

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

Thanking you,

Yours sincerely,

Department of
.....College / University