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08.10.2021.
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**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side
(Via Video Conference)**

**W.P.A. 3516 of 2020
(Via Video Conference)**

**Dr. Partha Sankha Mazumdar
-versus
State of West Bengal & Ors.**

**Mr. N.C. Bihani,
Ms. Papiya Banerjee Bihani,
Mr. Soumyajit Ghosh.
....For the Petitioner.**

**Mr. Anil Kumar Gupta.
...For UGC.**

**Mr. Wasim Ahmed,
Mr. A. Ghosh.
...For the State.**

Affidavit-of-service filed in Court today is taken on record.

The petitioner is an Assistant Professor Stage III and he seeks promotion to the post of Associate Professor Stage IV. His promotion fell due on 16th September, 2010 in terms of the University Grants Commission (Minimum Qualifications for Appointment of Teachers and Other Academic Staff in Universities and Colleges and Measures for the Maintenance of Standards in Higher Education) Regulation, 2000.

The learned advocate for the petitioner relies upon an unreported order dated 22nd February, 2016 passed by a Co-ordinate Bench of this Court in W.P.

No. 27262 (W) of 2014 (Parthasarathi Dutta – vs – Union of India & Ors.).

The Court, in the matter of Parthasarathi Dutta, under similar circumstances, held that the petitioner will be guided by the 2000 Regulations as the 2010 Regulations of U.G.C. was notified in the Gazette on 18th September, 2010.

It appears from records that the U.G.C. Regulations 2010 dated 30th June, 2010 was published in the Official Gazette only on September 18, 2010. As the notification came into effect only upon publication of the same in the Official Gazette, accordingly the Regulations 2010 is held to be effective on and from September 18, 2010 and not prior thereto.

The College has already forwarded the prayer of the petitioner for promotion to the Director of Public Instruction on 30th November, 2010, which has not been taken into consideration by the respondents.

Leave is granted to the petitioner to file representation highlighting his grievances before the Director of Public Instruction.

The Director of Public Instruction shall take an informed decision in the matter upon consideration of the representation to be filed by the petitioner in the light of the judgment passed in the matter of W.P. No. 27262 (W) of 2014 (Parthasarathi Dutta – vs – Union of India & Ors.) and in this matter at the earliest, but positively within a period of eight weeks from the date of making the representation by the petitioner.

The Director of Public Instruction shall take all necessary consequential steps in this matter.

The petitioner is directed to forward a copy of the order passed by this Court on 22nd February, 2016 in W.P. No. 27262 (W) of 2014, copy of the application made by the College on 30th November, 2010 along with the representation to be filed by him at the time of communicating this order to the aforesaid respondent.

The writ petition stands disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties after completion of all legal formalities.

(Amrita Sinha, J.)