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19.08.2021.
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**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

**W.P.A 4379 of 2019
(Via Video Conference)**

**Shishir Kumar Biswas
-versus
Union of India & Ors.**

**Mr. Shashwat Nayak.
...For the Petitioner.**

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

**Mr. Swapan Kumar Dutta,
Mr. Tapas Kumar Dey.
...For the State.**

**Mr. Amitava Chaudhuri,
Ms. Monoleena Chaudhuri,
Mr. Nirmalya Roy.
...For the Respondent
Nos. 10 to 14.**

The petitioner is a visually challenged Lecturer of Haringhata Mahavidyalaya. He seeks promotion to the post of Reader/Associate Professor with effect from 2010.

The State respondents in their opposition have submitted that the petitioner will be governed by the Regulation of 2000 and he will be entitled to be promoted to the post of Assistant Professor, Stage III on 1st March, 2012 only after completion of five years as Assistant Professor, Stage II.

The petitioner is serving in the post of Assistant Professor, Stage II on and from 1st March, 2007. The petitioner foregoes his claim for adjustment in terms of Regulation 1986 and he is agreeable to be governed by the Regulation 2000.

The next prayer of the petitioner is for allowing Ph.D. increment upon completion of his Ph.D. degree on or after 1st September, 2008 in terms of the corrigendum memo issued by the Higher Education Department on 8th November, 2016.

The State respondents in their opposition have mentioned that the Directorate has no objection to grant of Ph.D. incentives as per rules to any incumbent if required papers are submitted by the concerned college authority.

The petitioner has annexed documents to the writ petition to show that the Governing Body of Haringhata Mahavidyalaya in their Governing Body Meeting No. 156 held on 22nd July, 2017 in agenda 10 resolved to forward the necessary papers of the petitioner to the office of the Director of Public Instruction, Higher Education, Government of West Bengal for necessary increments and benefits.

The learned advocate appearing for the College submits, upon instructions, that the same has not been done till date.

The next prayer of the petitioner is for financial assistance to the visually challenged teacher in terms of the 11th and 12th plans of the UGC.

The petitioner has already applied before the UGC and as regards the 11th plan but no decision has been taken till date.

As regards the 12th plan the college is supposed to forward the necessary documents to the UGC which, the petitioner claims, has not been done till date.

The petitioner has a further prayer for grant of conveyance allowance. The petitioner made a representation before the College in the year 2017. The same is yet to be considered.

The learned advocate appearing for the College submits, upon instructions, that steps will be taken for forwarding the necessary documents of the petitioner to the concerned authority in support of his prayers, if not already sent in the meantime.

Upon hearing the submissions made on behalf of the parties, the instant writ petition is disposed of by directing the Director of Public Instruction to take steps in terms of Regulation 2000 for granting promotion to the petitioner and for grant of Ph.D. increment as soon as the same is forwarded by the College.

The College will forward the necessary papers, as resolved in their Governing Body resolution to the Director of Public Instruction at the earliest.

As regards the financial assistance, in accordance with the 12th plan the College shall immediately forward the necessary documents to UGC.

The UGC shall take a decision with regard to the prayer of the petitioner positively within a period of

sixty days from the date of receipt of all the documents from the College.

The prayer of the petitioner for conveyance allowance shall be immediately forwarded by the College to the Director of Public Instruction, if not forwarded in the meantime.

The Director of Public Instruction shall take a decision in the matter in accordance with law, at the earliest, but positively within a period of two months from the date of receipt of the documents from the College.

The petitioner is directed to forward a copy of the documents in his support including the representation(s) made by him and the Governing Body's resolution in his favour along with the relevant memo to the respondent authority at the time of communicating the order of this Court.

W.P.A. 4379 of 2019 stands disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties on completion of usual formalities.

(Amrita Sinha, J.)