

26th November, 2021
(D/L No.31)
(SKB)

W.P.A. 7079 of 2019
(Via Video Conference)

Dr. Ujjwal Kumar Mandal
Versus
The State of West Bengal and others

Mr. Susnigdho Bhattacharya,
Mr. Debapriya Majumder
... for the petitioner.

Mr. Soumya Majumder,
Ms. Sanjukta Dutta
... for respondent nos.2 and 3.

The petitioner seeks a direction on respondent nos.2 and 3 to make the petitioner permanent as a Deputy Registrar.

Learned counsel appearing for the petitioner seeks to rely on Section 28(4) of the Jadavpur University Act, 1981(hereinafter referred to as the 'said Act') and submits that upon completion of the period of probation and if no order of confirmation is made or communicated to the person concerned within two months of the completion of the period of probation, the person concerned shall be deemed to have been confirmed with effect from the date of his appointment on probation. Counsel submits that the petitioner, in this case, was appointed as a Deputy Registrar with effect from 1st December, 2017 and website communication was made by the University in respect of

appointment to some other person as a Deputy Registrar of the University.

Learned counsel appearing for the University places a document to show that the petitioner is only asked to discharge additional duties as the Deputy Registrar until candidate was selected to serve as Deputy Registrar of the University.

Upon hearing learned counsel for the parties, this court is of the view that the document dated 22nd February, 2019, which is the representation of the petitioner to the Registrar, Jadavpur University, clearly states that the petitioner was discharging additional duties on officiating as Deputy Registrar from 1st December, 2017 after superannuation of the erstwhile Deputy Registrar.

If this be the case, the petitioner cannot claim that he either started or completed any period of probation as contemplated under Section 28(4) of the said Act. The proviso to Section 28(4) only contemplates a situation where no communication is made to a person who has completed the period of probation within the time frame provided in the proviso. It is only in that specific case would a person be entitled to claim that the person had been confirmed with effect from the date of his appointment on probation.

Since, in this case, the petitioner has only officiated in the capacity of the Deputy Registrar and further since the post is one of direct recruitment and

not on promotion from Assistant to Deputy Registrar, the petitioner cannot claim to have any case under Section 28(4) of the said Act.

In view of the above, W.P.A.7079 of 2019 is dismissed without any order as to costs.

Urgent photostat certified copy of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Moushumi Bhattacharya, J.)