

Court No. 24

**15.07.2021**

(Item No. 5)

(AB)

**W.P.A 9573 of 2021  
(via video conference)**

Dr. Mohammad Faique  
vs  
The Union of India & Ors.

Mr. Subir Sanyal  
Mr. Chittapriya Ghosh  
Mr. Somesh Kumar Halder  
.....for the petitioner  
Mr. Anil Kumar Gupta  
..... for the UGC  
Mr. Soumya Majumder  
Mr. Victor Chatterjee  
..... for the respondents

The prayer of the petitioner for promotion from Associate Professor (stage-4) to Professor (stage-5) under Career Advancement Scheme was turned down by an order dated 7<sup>th</sup> July, 2019 wherein it was mentioned that the promotion could not be considered as per Rule. The aforesaid order passed by the Registrar (Acting) Visva Bharati was under challenge before this Court.

The Hon'ble Division Bench of this Court by an order dated 13<sup>th</sup> January, 2021 passed in MAT 834 of 2020 with CAN 1 of 2020 with CAN 2 of 2020 disposed of the appeal and directed the concerned authority of Visva Bharati to communicate its reasons by referring to the relevant Rules which were in their mind and/or taken into consideration at the time of rejecting the prayer for promotion.

In compliance of the order passed by the Hon'ble Division Bench, the Registrar (Acting) Visva Bharati communicated the order to the petitioner by a communication dated 29<sup>th</sup> January, 2021 which mentions that the Selection Committee after interviewing the above candidate and considering his contribution to research, assessment of domain knowledge and teaching practices and interview performance cannot recommend him for promotion from Associate Professor (stage-4) to Professor (stage-5) under the Career Advancement Scheme as per UGC guideline. The aforesaid communication dated 29.01.2021 is impugned in the present writ petition.

According to the petitioner, the same does not contain any reasons and neither does specify the Rule or the UGC guideline, which was taken into consideration for not recommending his name for promotion.

The learned advocate representing the University submits that the order mentions about the UGC guideline.

After hearing the submissions of the parties it appears, that the order impugned is an absolute unreasoned and cryptic one. The University was duty bound to intimate the petitioner the relevant Rule or the UGC guideline which they relied upon for not recommending the case of the petitioner for

promotion. The grounds and the reasons for rejection of the prayer of the petitioner for promotion not being mentioned in the impugned order, the same cannot stand the test of reasonableness and is liable to be set aside.

Accordingly, the order impugned is set aside. The concerned authority of the University is directed to communicate the ground for rejecting the case of the petitioner for promotion, clearly mentioning the UGC guideline and/or the relevant Rule relying upon which the prayer of the petitioner was not recommended for promotion.

The reasoned order shall be communicated to the petitioner at the earliest, but positively within a period of four weeks from the date of communication of a copy of this order.

The writ petitioner stands disposed of.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon completion of usual legal formalities.

**(Amrita Sinha, J.)**