

02
25.08.2021.
d.p.

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

**W.P.A 11733 of 2018
IA No. CAN 1 of 2021
(Via Video Conference)**

**Dr. Semanti Basu
-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. Sudipto Panda,
Ms. Munmun Tiwari.
...For the State.**

Leave is granted to the learned advocate for the petitioner to make correction of the typographical errors which are appearing in paragraph 15 of page 9, and at pages 17 and 19 of the writ petition.

The petitioner was appointed as a Lecturer in Sri Ramkrishna Sarada Vidya Mahapitha on 25th June, 2007. According to the petitioner, he is entitled to get the Career Advancement benefit after four years from the scale of Assistant Professor Stage-I to Assistant Professor Stage-II. The petitioner at the time of joining was a Ph.D. holder.

The petitioner filed the instant writ application commanding the respondents to implement the UGC

Regulation, 2010 and to implement the said Regulation prospectively with effect from 31st December, 2012 and not retrospectively.

The petitioner also prayed for an order directing the respondent to grant promotion to the petitioner under Career Advancement Scheme from the scale of Assistant Professor Stage-I from 25th June, 2007 to the scale of Assistant Professor Stage-II from 25th June, 2011 with all consequential benefits.

During the pendency of the writ application, the UGC published a Public Notice on 16th October, 2018 whereby it was notified that the issue regarding extension of the date of participation in Orientation/Refresher course in respect of teachers/ Assistant Registrar for the purpose of Career Advancement was considered by the Commission (UGC) and it has approved to extend the date for completing Orientation Course/Refresher Course for promotion under Career Advancement upto 31st December, 2018 for all the candidates to ensure uniformity. All the Universities and affiliated colleges were requested to comply with the above provision of extension.

In terms of the aforesaid notice, the Higher Education Department, College Sponsored Branch, Government of West Bengal by a Memo dated 19th November, 2019 directed that the date of completion of Refresher Course and/or Orientation Course for promotion under Career Advancement Scheme is extended upto 31st December, 2018 in terms of the UGC public notice dated 16th October, 2018.

According to the petitioner, in view of the public notice issued by the University Grants Commission and

thereafter the same being acted upon by the Higher Education Department, the grievance of the petitioner appears to have been mitigated.

The petitioner has filed an application praying for a direction upon the respondent authorities to act in accordance with the memo published on 19th November, 2019.

As it appears that the Government has already taken a decision to extend the date of completion of the Refresher Course for promotion under Career Advancement Scheme and the petitioner has already completed the said Course within the time as specified in the aforesaid memo, the instant writ petition is disposed of by directing the respondent no. 4, Director of Public Instruction to consider the case of the petitioner strictly in accordance with the memo for grant of all consequential benefits to the petitioner at the earliest, but positively within a period of eight weeks from the date of communication of a copy of this order.

W.P.A. 11733 of 2018 and the application being IA NO. CAN 1 of 2021 stand disposed of.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Amrita Sinha, J.)