

04.10.2021
SL No. 15
Court No. 24
P.M.

WPA 15775 of 2021

**Smt. Sujata Bandyopadhyay
Vs
The State of West Bengal & Ors.
(Via Video Conference)**

Mr. N. C. Bihani,
Mr. Soumyajit Ghosh
Mr. Kshitij Singh
... for the petitioner

Mr. Swapan Kumar Dutta,
Mr. Pradyot Kr. Das
... for respondent No. 1 to 4

The petitioner is an Assistant Professor Stage II and she seeks promotion to Stage III. Her promotion fell due on 1st July, 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 college authority forwarded the prayer of the petitioner for promotion to the Director of Public Instruction along with all necessary documents on 13th February, 2019. The College thereafter gave a reminder to the Director of Public Instruction on 19th July, 2021. There is no response from the side of the Director of Public Instruction.

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.

In view of the above, the instant writ petition is disposed of by directing the Director of Public Instruction being the respondent No. 4 herein to take a decision with regard to the application forwarded by the College on behalf of the petitioner on 13th February, 2019 followed by reminder dated 19th July, 2021 strictly in accordance with the Regulations and in the light of the order dated 22nd February, 2016 passed by the Court in WP No. 27262 (W) of 2014 and the present order at the earliest, but positively within a period of eight weeks from the date of communication of a copy of this order.

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

The petitioner is directed to forward a copy of the representation made on her behalf by the College and the copy of the order passed by this Court on 22nd February, 2016 in W.P. No. 27262 (W) of 2014 at the time of communicating a copy of this order to the aforesaid respondent.

Leave is granted to the learned advocate on record of the petitioner to correct the typographical error appearing in prayer (a) at page 13 and prayer (d) at page 14 of the writ petition. Be it recorded that the date of effect as prayed for in the aforesaid prayers (a) and (b) should read as July 1, 2010 instead of August, 1, 2010. The correction shall be made by course of tomorrow.

As the writ petition is disposed of without calling for any affidavits, the allegations made in the writ petition are deemed not to have been admitted by the respondents.

Affidavit of service filed in Court is taken on record.

The writ petition 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.)