

Item No.23

04.10.2021
Ct-24

In The High Court At Calcutta
Constitutional Writ Jurisdiction
(via video conference)

WPA 17767 of 2018

Dr. Siddhartha Datta

v.

The State of West Bengal & Ors.

Mr. N.C. Bihani

Ms. Papiya Banerjee Bihani

... for the petitioner.

Mr. Swapan Kumar Datta

Mr. Dipankar Das Gupta

... for the State.

Mr. A.K. Gupta

... for UGC.

The petitioner is an Assistant Professor Stage II and he seeks promotion to Stage III. His promotion fell due on 10th 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 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.

Leave is granted to the petitioner to file representation highlighting his grievances before the Director of Public Instruction.

The Director of Public Instruction shall take an informed decision in the matter upon consideration of the representation to be filed by the petitioner in the light of the judgment passed in the matter of W.P. No. 27262 (W) of 2014 (Parthasarathi Dutta – vs – Union of India & Ors.) and in this matter at the earliest, but positively within a period of eight weeks from the date of making the representation by the petitioner.

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

The petitioner is directed to forward a copy of the order passed by this Court on 22nd February, 2016 in W.P. No. 27262 (W) of 2014 along with the

representation to be filed by him at the time of communicating this order to the aforesaid respondent.

Affidavit-of-service filed in Court today 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 after completion of all legal formalities.

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(Amrita Sinha, J.)