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SB 19.08.2021
Ct. No. 24

WPA 10019 of 2020

(VIA VIDEO CONFERENCE)

Dr. Asrafi Khatun
Vs.
The State of West Bengal & Ors.

Mr. Subir Sanyal
Ms. Smita Pal
Mr. Sagnik Roy Chowdhury ... For the petitioner

Mr. Swapan Kumar Datta
Mr. Tapas Kumar Mandal ... For the State

Mr. Pulak Ranjan Mondal
Ms. Bandana Mondal
Mr. Subhrangsu Panda ... For W.B.C.S.C

Mr. Udaynarayan Betal
Mr. Zakir Hossain ... For Respondent Nos. 7 to 9

Mr. Uttiya Roy ... For Respondent nos. 4, 5 and 6

The petitioner is presently serving as the Assistant Professor in Bengali in Jamalpur Mahavidayala.

In terms of the guidelines for re-designation and scheme prescribing the career advancement and other service conditions of Teachers, Librarians, Physical Instructor of Government aided colleges being Annexure – 2, G.O. No. 920-Edn (CS)/5P-52/98 dated 31.12.2012, the petitioner is supposed to be promoted in the grade of Associate Professor as she has already put in the requisite number of years in service. She was entitled to get this benefit in the year 2015 but till date the same has not been done as the grade pay of the petitioner in the earlier grades were not fixed by the State Government in proper time.

During the pendency of the writ petition the Deputy Secretary, Higher Education Department, C.S. Branch has issued a memo dated 30.07.2021 with the subject, protection of pay by counting past service in favour of the petitioner.

The said memo mentions that the Governor, after careful consideration of the matter, has been pleased to allow pay protection in favour of the petitioner by counting her past service and taking into consideration her last pay as revised at Sonamukhi College. The benefit under the Career Advancement Scheme (CAS) in future by counting her past service as Assistant Professor of Bengali from 27.03.2001 to 02.01.2015 at Sonamukhi College has also been allowed, however, subject to the compliance of the formalities under the UGC guidelines.

According to the petitioner, as the scale of pay in the stage of Assistant Professor was not fixed on time, the petitioner lost the opportunity to be appointed in the post of Principal in terms of the aforesaid guidelines.

The petitioner obtained her Ph.D. degree way back in 2012 but she is yet to be granted the benefit on obtaining such higher qualification i.e., increments have not been paid to her till date.

As it appears that the Government has already taken a decision to protect the pay of the writ petitioner by counting her past service, accordingly, at this stage the Director of Public Instruction is directed to take immediate necessary steps for fixing the grade pay of the

petitioner in the proper scale so that she has a chance to appear before the Screening Committee for being promoted as Associate Professor as the petitioner has already reached that stage.

The Director of Public Instruction being the respondent no. 3 herein is directed to take prompt necessary steps for disbursing the arrear pay of the petitioner in accordance with the grade pay which she is entitled to, at the earliest, but positively within a period of ninety days from the date of communication of this order.

Steps shall also be taken by the Director of Public Instruction to release the increments which the petitioner is entitled to on account of her obtaining Ph.D. degree under the Career Advancement Scheme (CAS) positively within a period of ninety days from the receipt of all documents from the college.

All consequential benefits which the petitioner is entitled to get in view of the order passed by the Deputy Secretary, Higher Education Department on 30.07.2021 shall be provided to the petitioner at the earliest, but positively within the period of ninety days from the communication of this order.

The Jamalpur College shall take steps to set up the Screening Committee for assessing the eligibility criteria of the petitioner as to whether she is entitled to be promoted to the post of Associate Professor within the period of thirty days from date of re-fixation of scale of the petitioner by the Director of Public Instruction for the

promotional post of Associate Professor.

With the aforesaid direction, the writ petition is 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.)