

23rd February, 2022
(D/L No.19)
(SKB)

WPA 1058 of 2022
(Via Video Conference)

Debabrata Bhaumik @ Bhowmik
Vs.
The State of West Bengal & Ors.

Mr. Asimes Goswami,
Ms. Poulumi Banerjee
... for the petitioner.

Mr. Swapan Kumar Datta,
Mr. Rajat Datta
...for the State.

This court has passed an order in W.P.A.1056 of 2022 on very similar facts. The only difference in this case is that the petitioner was awarded his M.Phil degree in 2004 from Madurai Kamaraj University.

Since the impugned order dated 12th November, 2021 of the Director of Public Instruction, Government of West Bengal has rejected the representation of the petitioner for upgradation from Category II to Category I, College Teacher in the State Aided College, the reasons for setting aside the impugned order are the similar as those in W.P.A.1056 of 2022.

In brief, having found that the second proviso to Regulation 3.3 of the UGC Notification dated 18th July, 2018 suffers from clear discrepancy which was not taken into account by the Director of Public Instruction, the impugned order cannot be sustained. The second

proviso mentions M.Phil/Ph.D. programmes but restricts the relaxation only to Ph.D. indicates in the very same proviso. The petitioner admittedly falls within the window of relaxation since the petitioner was awarded M.Phil degree in 2004 and the closing date mentioned in the second proviso is 11th July, 2009. The impugned order dated 12th November, 2021 is hence set aside. The Director of Public Instruction is directed to revisit the issue by construing the relevant part of the U.G.C. Regulations.

W.P.A.1058 of 2022 is disposed of in terms of the above.

Since affidavits have not been called for, the allegations contained in the writ petition are being not admitted.

Urgent photostat certified copy of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Moushumi Bhattacharya, J.)