

Item no. 21

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

Present:

The Hon'ble Justice Hiranmay Bhattacharyya

WPA 7617 of 2018

Dr. Nandini De

vs.

State of West Bengal & ors.

Appearance:

For the petitioner : Mr. Kallol Basu
Mr. Suman Banerjee

For the Respondents : Mr. Soumya Majumder
(Jadavpur University) Ms. Sanjukta Dutta

For the respondent no 5 : Mr. Anil Kumar Gupta

Heard on : 31.08.2022

Judgment on : 31.08.2022

Hiranmay Bhattacharyya, J.:

Affidavit-in-reply filed in Court today be kept with the record.

The petitioner has prayed for issuance of writ in the nature of mandamus directing the respondent authorities to treat the post of

Documentation Officer (Selection Grade) as part of the library cadre and extend all benefits attached to such cadre.

The petitioner claims to have been appointed as a Documentation Officer at the Jadavpur University being respondent no. 2 herein. The petitioner was subsequently promoted to the post of Documentation Officer (Selection Grade) with effect from 02.01.2005.

The petitioner claims to have submitted a representation to the Higher Education Department in March, 2018 praying for treating the post of Documentation Officer within the librarian cadre and extend all benefits attached to such cadre to the petitioner.

Mr. Basu, learned counsel for the petitioner relies upon an information furnished by the Deputy Secretary to the Government of India under the provisions of the Right to Information Act to contend that by Memo dated May 07, 2014, it has been observed that there is parity of posts of Documentation Officer with the librarian cadre. He submits that that the Principal Secretary, Government of West Bengal, Higher Education Department issued a notification dated January 27, 2017 wherefrom it will be evident that the Government has been pleased to direct that the age of retirement of the full-time librarians who were in service on January 01, 2017 and scheduled to retire on or after January 31, 2017 shall be enhanced from 60 years to 62 years with immediate effect.

He thus submits that since the post which the petitioner is holding under the University is at par with the posts under the librarian

cadre, the petitioner is entitled to the benefit of retirement age of 62 years in terms of the aforesaid notification dated January 27, 2017.

Mr. Majumder, learned counsel for the Jadavpur University submits that there is no parity between various posts in the librarian cadre with that of the Documentation Officer. He further submits that the requisite qualification for the posts of a librarian both educational and experience is not at par with the post of Documentation Officer and also that the job of a Documentation Officer is different from the job of a librarian. Therefore, according to Mr. Majumder, there can be no equivalence or parity between the posts of Documentation Officer and the post under the librarian cadre.

Heard the learned counsel for all the parties at length and perused the materials on record.

The sheet anchor of the case of the petitioner is that the Documentation Officer of a University has been treated by the University Grants Commission as equivalent to the post of Assistant Librarian in the librarian cadre in its several recommendations prescribing minimum qualification for the teachers. Since the petitioner is heavily relying upon the letter dated May 07, 2014 of the Ministry of Human Resources Development, Government of India, Higher Education Department, the relevant portion of the said letter is extracted hereinbelow:

“XXIII. Parity of the posts of Assistant Documentation Officer and Assistant Documentation Officer (Senior Scale) with the posts of Assistant Librarian and Assistant Librarian (Senior Scale) with the Grade Pay of Rs. 6000/- and Rs. 7000/- respectively, is agreed to.

There is no case for parity at further levels viz. Assistant Librarian (Selection Grade) also designated as Deputy Librarian as no such post as Assistant Documentation Officer (Selection Grade) ever existed.”

From the aforesaid Clause XXIII it would be evident that it has been clarified by the Ministry that though there is parity of the posts of Assistant Documentation Officer and Assistant Documentation Officer (Senior Scale) with the post of Assistant Librarian and Assistant Librarian (Senior Scale) but there is no parity at further levels viz. Assistant Librarian (Selection Grade) which is also designated as Deputy Librarian.

It was further clarified that no post of Assistant Documentation Officer (Selection Grade) ever existed. The petitioner claims to be holding the post of Documentation Officer (Selection Grade). The said letter dated May 07, 2014 is silent about the parity in so far as the post of Documentation Officer (Selection Grade) with any posts falling under the librarian cadre.

Mr. Basu tried to strengthen his argument by relying upon a letter dated August 5, 1966 annexed to the affidavit-in-opposition filed by the State of West Bengal in connection with W.P. 7620(W)/2018. He placed reliance upon the said letter issued by the Secretary, University Grants Commission dated August 05, 1966 addressed to the Registrar, Jadavpur University. By inviting the attention of the Court to Clause V of the said letter. Mr. Basu would contend that the Documentation Officer enjoys the scale of the Lecturer. Even if, the said document is taken into consideration, this Court is of the view that the same does

not in any manner support the case of the petitioner that the post of the Documentation Officer (Selection Grade), which the petitioner is holding at present, is at par with any of the posts under the librarian cadre.

Mr. Basu further relied upon the Advertisement Notification dated March 20, 1991 to support his case that the scale of pay and the qualifications necessary for the post of Documentation Officer is at par with that of the Assistant Librarian (Grade II).

Upon perusal of the scale of pay attached to the post of Documentation Officer and the qualification as indicated in the said Advertisement Notification, it is evident that neither the scale of pay nor the qualification required for such posts are same and identical.

The pleadings in the writ petition is also silent as to how the post of Documentation Officer (Selection Grade) is equivalent to or at par with the posts under the librarian cadre.

This Court, therefore, holds that the petitioner has failed to satisfy the Court that the post of Documentation Officer (Selection Grade) is at par with any of the posts under the librarian cadre.

For the reasons given hereinabove, this Court holds that this writ petition is devoid of any merit and the same is liable to be dismissed and is accordingly dismissed, however, without any order as to costs.

Urgent certified photostat copy of this order, if applied for, shall be given to the parties as expeditiously as possible on compliance of all necessary formalities.

(Hiranmay Bhattacharyya, J.)

Amitava (AR. CT.)