IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.556 of 2005

Dr. Pradip Kumar Das .... ***Petitioner***

Mr. D. Lenka, Advocate

-versus-

Biju Pattnaik University of Technology .... ***Opposite Parties and others***

Mr. T.K. Satapathy, Advocate

CORAM:
THE CHIEF JUSTICE
JUSTICE R.K. PATTANAIK

ORDER
05.05.2022

Order No.

05. 1. The short question that arises for consideration in this writ petition is whether the Biju Pattnaik University of Technology was obliged to promote the Petitioner as a Reader as claimed by him under the Career Advancement Scheme (CAS) with effect from 31st December, 1998?

2. The background facts are that the Petitioner initially joined as Lecturer in the Civil Engineering Department at the College of Engineering and Technology (CET), Bhubaneswar, which was a constituent College of the Orissa University of Agriculture and Technology, Bhubaneswar (OUAT), on 31st December, 1987.

3. He was promoted as Lecturer (Senior Scale) under the CAS and worked as such till 9th July, 2002. He was selected as a Reader at the University College of Engineering (UCE), Burla under direct recruitment. He was therefore relieved from the

OUAT while retaining his lien there as per the order dated 5th July 2002 and subject to the terms set out in the said order.

4. By a notification dated 14th June 2002, the Biju Patnaik University of Technology (BPUT) was established. Both the CET, Bhubaneswar and the UCE, Burla stood transferred and became constituent Colleges of the BPUT. The lien of the Petitioner with the CET, Bhubaneswar continued for a further period of one year with effect from 10th July, 2003. The Petitioner was permanently absorbed in UCE, Burla as Reader.

5. The BPUT conducted a selection under the CAS and the Petitioner was called for an interview before the Selection Committee on 30th May, 2003.

6. The Petitioner was not selected for promotion to the next higher grade of Reader. Aggrieved by the same, the Petitioner filed the present writ petition.

7. In response to the petition, a reply has been filed stating *inter alia* that once a candidate is appointed to a higher post by direct recruitment against a sanctioned post he cannot avail the promotion under the CAS. The CAS is made available to appoint the Teachers of the University and affiliated Colleges in terms of the Government of Odisha resolution dated 27th October, 2000. In other words, since the Petitioner was selected as a Reader on a permanent basis in the UCE, Burla on the basis of direct recruitment, he could not maintain a claim for promotion as Reader under the CAS in the BPUT.

8. At today's hearing, Mr. T.K. Satapathy, learned counsel appearing for the BPUT handed over copy of the proceedings dated 22nd July 2004 issued by the Under Secretary to the Governor who happens to be the Chancellor of BPUT. This communication *inter alia* sets out the names of the persons who had been approved for promotion and those, like the Petitioner, who were not cleared. The reason as far as the Petitioner is concerned is that he "does not have CCRs for minimum qualifying period of 5 years before date of eligibility of his promotion. Besides, he has joined alternative service."

9. Learned counsel for the Petitioner contests the above reasons for rejection by drawing attention to the CAS notification dated 21st June, 2001. A perusal of said notification shows that for being promoted as Reader, a Lecturer in Senior Scale has to comply with the following conditions:

> "(i) Completed five years of service in the senior scale.
> (ii) Obtained a Ph.D. degree or has equivalent published work.
> (iii) Made some mark in the areas of scholarship and research as evidenced e.g. by self assessment, reports of referees, innovation, design of new courses and curricula and extension activities.
> (iv) After placement in the senior scale participated in two refresher course/summer institutes of approved duration, or engaged in either appropriate continuing education programme of comparable quality as may be specified or approved by the University Grant Commission and
> (v) Possess consistently good performance appraisal reports.

> "(a) Promotion to the post of Reader will be through a process of selection by a selection committee to be set up under the Statutes/Ordinance of the concerned University or other similar committees set up by the appointing authorities. The promotion for the post of Reader is subject to availability of vacancies in the sanctioned post of Readers."

10. The condition at Clause (v) above states that "possess consistently good performance appraisal reports". For the purposes of fulfilling this criterion, a candidate has to certainly possess necessary CCRs during the minimum qualifying period of five years before the date of eligibility. With the Petitioner not possessing such CCRs, he did not fulfil the said criteria. Therefore, irrespective of the Petitioner having been absorbed in UCE, Burla as a Reader on a direct recruitment basis, even otherwise did not fulfill the criteria of having CCRs of five years prior to the date of eligibility for promotion.

11. The Court finds no illegality committed by the Opposite Parties in not granting the promotion to the Petitioner to the next post of Reader under the CAS. There is no merit in the present writ petition and it is dismissed as such.

12. Urgent certified copy of this order be issued as per rules.

(Dr. S. Muralidhar)
Chief Justice

(R.K. Pattanaik)
Judge

S.K. Guin