

25 26-06-2023
AKG
Ct. 238

WPA 1015 of 2023
Koushik Goswami
Vs.
The State of West Bengal & Ors.

Mr. Biswaroop Biswas,
Mr. Gora Chand Samanta

...for the Petitioner

Mr. Pulak Ranjan Mondal,
Ms. Bandana Mondal,
Mr. Subhrangsu Panda

...for WBCSC

Mr. Anil Kr. Gupta

...for UGC

A series of litigation preceded the order dated December 2, 2022 passed by the Chairman, West Bengal College Service Commission impugned in this writ petition. Shorn of unnecessary details, the controversy, in this case, revolves around the issue whether the petitioner, an aspirant for the post of Assistant Professor in Chemistry should have been awarded marks for his two year post doctoral fellowship at Kalyani University as well as for his four year teaching experience at Ramakrishna Mission Vidyamandir at Belur.

The relevant part of the order dated December 2, 2022 is quoted below :-

“It appears from the available office records that the writ petitioner served in

different capacity which are as follows :

- 1. Florida Atlantic University : Post-doctoral Fellow, From - 19.08.2013 to 13.06.2014 = Less than 1 year.**
- 2. Ramakrishna Mission Vidyamandir : Guest Lecturer, from - 01.07.2014 to 31.08.2018 = 4 years.**
- 3. University of Kalyani : Post-doctoral fellow - 22.07.2015 to 31.08.2017 = 2 years.**

The writ petitioner was awarded marks under ‘experience’ category in terms of Score Pattern of The West Bengal College Service Commission. which is as follows :

- 1. He has not been awarded for post-doctoral fellowship in Florida Atlantic University because of less than 1 year period.**
- 2. He has been awarded (4 x 0.5 =2 marks) for guest lecturer of 4 years.**
- 3. He has not been awarded for post-doctoral fellowship in Kalyani University of two years because of overlapping period.**

Rationale behind the Order :

It is to be noted here that the marks in experience category can not be awarded during the overlapping period against both the certificates. There is no scope to split one experience certificate in a divisible manner. Moreover, the fact and circumstances of the Amal Kanti Giri case are quite distinct from the fact of this case. ”

There is no dispute that the petitioner served as a guest lecturer at the aforesaid institute from 1st July, 2014 to August 31, 2018 and he did his post-

doctoral fellowship at Kalyani University from July 22, 2015 to August 31, 2017.

The score pattern for Assistant Professor for the relevant recruitment years was as follows :-

WEST BENGAL COLLEGE SERVICE COMMISSION				
Score Pattern for Assistant Professor in General Degree Colleges (Advt.1/2018)				
				Score
I	Academic Records	M.P./Equivalent		5
		H.S./Equivalent		5
		U.G.	Honours	10
			General	5
		P.G.		15
		NET/SET		5
		M.Phil /Ph.D	M.Phil	5
			Ph.D	10
II	Assessment of Domain Knowledge, Research & Teaching Skill	Research Publications*		5
		Experience (Teaching/ Post-Doctoral)**		5
		Domain Knowledge		10
		Teaching Skill		10
III	Interview Performance			20
	Total			100
* Published in Peer-Reviewed or UGC-listed Journals –1.0 marks for each publication,				
** Post Doctoral Experience –1.0 mark for one year each.				
** Teaching Experience- For Full time teachers 1.0 marks per completed year of teaching and for Guest teachers 0.5 mark per completed year of service in recognized institutions of Higher Education.				

The said score pattern makes it clear that an aspirant for the post of Assistant Professor was entitled to score maximum five marks against the heading “experience”. The score pattern as quoted above suggests clearly that a candidate can get minimum five marks either for teaching or for post-doctoral research.

A candidate cannot claim marks under both the headings when counting his experience. In that event, a candidate may score total 10 marks (5+5) under the heading “experience” which deviates from the score pattern for Assistant Professor.

In the present case, the college service commission has already awarded two marks under the heading teaching, there was no room to any additional marks for post-doctoral fellowship. In any event, the petitioner could not have scored $2 + 2 = 4$ marks simultaneously under the heading “teaching” as well as under the heading post-doctoral experience.

Mr. Biswaroop Biswas, learned advocate appearing for the petitioner has relied upon a judgment passed in W.A. No. 27 of 2023 by a Division Bench of Kerala High Court. The relevant part of the said judgment is quoted below :-

“22. The prohibition against inclusion of the time taken for acquiring a Ph.D. degree in the computation of teaching/research experience is one that applies to ‘candidates’ by which

term is intended a person who is not working as a teacher in any institution at the time of applying for the teaching post in question. 'Faculty members', on the other hand, refers to persons who are already working as teachers in an institution at the time of applying for the teaching post in question, and for them, the period spent on pursuing a research degree simultaneously with teaching assignment and without taking any kind of leave, will count towards teaching experience. In other words, merely on account of their having pursued a research degree simultaneous with their teaching assignment, their research period will not be excluded. Similarly, even those regular faculty members, upto 20% of the total faculty strength, who have availed study leave to pursue the Ph.D. programme under the Faculty Development Programme, will get the benefit of including the period spent on pursuing a research degree in the teaching/research experience stipulated for the teaching post that is notified for appointment.

23. We are therefore of the view that the period spent by the appellant on pursuing her Ph.D. degree under the Faculty Development Programme cannot be excluded while reckoning her teaching/research experience in the post of Assistant Professor for appointment as an Associate Professor pursuant to Ext. P2 notification."

In the said judgment, the Division Bench was dealing with the question whether the period served by a candidate pursuing a Ph.D. degree can be excluded in reckoning the teaching/research experience. The said issue was answered in negative. This present writ petition involves a different factual aspect.

Although the impugned order does not provide any valid justification for not awarding marks to the petitioner for his post-doctoral fellowship, considering the reasons mentioned above, I do not find any reason to interfere with the ultimate decision reached by the Chairman, West Bengal College Service Commission in the said order.

WPA 1015 of 2023 is dismissed.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Kausik Chanda, J.)