

WPA 1108 of 2023

Oliur Rahman
Vs.
The State of West Bengal & Ors.

Adv. Prosenjit Mukherjee,
Adv. Nirmalya Kumar Das,
...for the petitioner.
Adv. Swapan Kumar Datta, Ld. AGP,
Adv. Dipankar Das Gupta,
...for the State.

Let the affidavit-in-opposition filed on behalf of the State and the reply thereto filed on behalf of the petitioner be kept with the records.

In this writ petition the appointment of the Vice-Chancellor of Alia University is under challenge.

It is the case of the petitioner that the relevant Vice-Chancellor does not possess the requisite qualification of ten-year experience as a Professor. Therefore, he was not eligible to be appointed as a Vice-Chancellor.

It appears that in the Public Interest Litigation, WPA (P) 170 of 2022, *inter alia*, the appointment of the Vice-Chancellor of Alia University was questioned. The Division Bench of this Court in its judgment dated March 14, 2023, *inter-alia*, observed as follows:

“52. Thus, the issue is concluded by the aforesaid judgments that UGC Regulations, 2018 are applicable and the appointments which have been made in violation of the UGC Regulations, 2018 cannot be sustained. In the present case, some of the respondent Vice-Chancellors do not fulfill the minimum qualification of 10 years’ experience as professor in the

university or 10 years' of expertise in a reputed research and/or administrative organization with proof of having demonstrated academic leadership, therefore, their appointment is contrary to Regulation 7.3.i of UGC Regulations, 2018. It is also undisputed that the Search Committee formed for the appointment of all the respondent Vice-Chancellors did not have one Member nominated by the Chairman, University Grants Commission as required by Regulation 7.3.ii, therefore, their appointments are contrary to Regulation 7.3.ii of UGC Regulations, 2018.

The writ petition was disposed of with the following direction:-

61. In view of the above, writ petition is allowed and it is directed that:

- i. The provisions of UGC Regulations, 2018 will prevail over the conflicting provisions of the concerned State Universities Act, relating to appointment of Vice-Chancellor, under which the respondent Vice-Chancellors have been appointed.
 - ii. The appointment of those respondent Vice-Chancellors who are appointed, reappointed, whose tenure extended or who are given additional charge by the order of the State Government or who do not possess minimum eligibility condition or appointed without following the due procedure are held to be unsustainable and without any authority of law. Therefore, they have no right to continue as Vice-Chancellors by virtue of such unsustainable orders.
62. The writ petition is accordingly disposed of."

In view of the said judgment rendered by the Division Bench of this Court, no further order is required to be passed in this writ petition.

Accordingly, the writ petition is disposed of.

Urgent photostat certified copies of this order, if applied for, be supplied to the parties upon compliance of all necessary formalities.

(Kausik Chanda, J.)