

Court No. 238

WPA 10777 of 2023

06.12.2023

(AD 22)

(S. Banerjee)

Dr. Saktipada Pradhan & Anr.

Vs.

The State of West Bengal & Ors.

Mr. Piyush Chaturvedi
Mr. Tarun Kumar Das
Mr. Dilip Kumar Shyamal
Ms. Renesa Das

... for the petitioners

Mr. Ranajit Chatterjee
Mr. Aniruddha Mitra

... for the respondent nos. 10 and 11

Mr. Anil Kumar Gupta

... for the UGC

Mr. Amitava Chaudhuri
Mr. N. Roy

... for the University

Let the affidavits filed by the University Grants Commission and private respondent nos. 10 and 11, be kept with the records.

The petitioners assert that the respondent nos. 10 and 11 are being considered for the post of Professor under the Career Advancement Scheme ('CAS', in short) of the University Grants Commission ('UGC', in short) without possessing the requisite qualifications.

Mr. Chaturvedi, learned advocate for the petitioners, submits that respondent nos. 10 and 11

joined the West Bengal University of Animal and Fishery Science ('the University', in short), in the year 2016, while the petitioners joined the University as Assistant Professor in the year 2007. Presently, the petitioners hold the position of Associate Professor Stage-IV.

Mr. Chaturvedi, learned advocate for the petitioners, further submits that if the private respondents are considered for the post of Professor under CAS violating the seniority, their potential right to be appointed to the higher posts like Director or Controller of the University would be adversely affected.

Mr. Chaudhuri, learned advocate for the University, submits that there is no relation or nexus between the promotion of the petitioners and private respondents as they belong to different departments of the University. Petitioner nos. 1 and 2 were appointed in the Department of Veterinary Pathology, and Department of Veterinary Clinical Complex, respectively. Respondent nos. 10 was appointed in the Department of Veterinary Anatomy and Histology. Respondent no. 11 was appointed in the Department of Animal Genetics and Breeding. It is the stand of the University that every teaching staff in different departments of the University forms different cadres. Every department has its own avenue of promotion depending upon the available vacancies.

Mr. Chatterjee, learned advocate for the respondent nos. 10 and 11, submits that they have the requisite teaching experience to be considered under the CAS for the post of Professor. Their past service at Bidhan Chandra Krishi Vidyalaya has been rightly considered in terms of the applicable UGC's regulations. There is no illegality on the part of the University in considering the names of the private-respondents for the post of Professor.

I am of the view that the petitioners have no reason to be aggrieved by the prospective promotion of respondent nos. 10 and 11 to the post of Professor.

It is not in dispute that as on date the petitioners lack required teaching experience to be appointed as a Professor.

I accept the stand of the University that the petitioners and the private respondents belong to different departments of the University, and they do not form a unified cadre.

It cannot be said that the private respondents' promotion has any bearing on the promotion of the petitioners.

I am also unable to accept the contention of the petitioners that their future prospect would be adversely affected if the CAS benefits are given to the private

respondents. Higher posts of the University are filled up by way of direct recruitment. The petitioners will be entitled to be considered for the said post when they become eligible to apply. This is independent of the promotion granted to the private respondents. Therefore, I am of the view that the petitioners will no way be adversely affected if the promotion is given to private respondent nos. 10 and 11.

WPA 10777 of 2023 is, accordingly, dismissed.

(Kausik Chanda, J.)