

28.08.2023
Item No.70
Ct. No. 238
AKG

WPA 18624 of 2023
Dr. Krishna Kishor Goswami
Vs.
The State of West Bengal & Ors.

Mr. Arka Maiti, Ms. Ambiya Khatun	...for the Petitioner
Mr. Suman Dey	...for the University
Mr. Supriya Chattopadhyay, Mr. Arindam Ghosh	...for the State

The petitioner disputes his retirement age as a senior Scientist of Krishi Vigyan Kendra (in short 'KVK') at Nadia under Bidhan Chandra Krishi Viswavidyalaya.

Mr. Arka Maiti, learned advocate appearing for the petitioner has drawn attention of this Court to the memorandum of understanding entered into between the Indian Council of Agricultural Research, Krishi Anusandhan Bhawan, New Delhi – 110 012 and the Bidhan Chandra Krishi Viswavidyalaya, West Bengal dated February 3, 2004 and to the letter dated August 10, 2023 issued by the Indian Council of Agricultural Research- Agricultural Technology Application Research Institute Kolkata to suggest that the petitioner, as senior scientist, should retire at the age of 62 years.

Learned counsel appearing for the respondent nos. 3 & 4 submits that the retirement age of the petitioner is to be decided by the university. Indian Council of Agricultural Research has got no role to play in such matter.

Mr. Suman Dey, learned advocate appearing on behalf of the university on the other hand submits that the Registrar of the university has placed a note which is appearing at page 47 of the writ petition to suggest that the retirement age of the petitioner should be sixty years following the applicable notification of the State Government.

The university suggests that there are two types of KVK under the university; some KVKs are directly controlled by the Indian Council of Agricultural Research whereas the other KVKs are under the control of the State Aided University. He submits that the age of the retirement as indicated in the letter dated August 10, 2023 applies to the employees who are in service of ICAR.

I am of the view that the function of the KVKs under Bidhan Chandra Krishi Viswavidyalaya entirely depends on the aforesaid memorandum of understanding dated February 3, 2004. The State Government has not been assigned any role in deciding the age of retirement of the employees of the KVKs under the university.

It does not appear that the university has taken any decision with regard to the retirement age of the employees of the KVKs who are working in terms of the memorandum of understanding dated February 3, 2004.

In that view of the matter, to subserve the interest of justice, the following orders are passed:

1. The university shall convene a special meeting of the executive council within seven days from date following this order to fix the retirement age of the employees of KVKs under it.
2. The petitioner shall be treated to be in service for a period of two weeks from date, subject to the decision taken by the executive council with regard to his age of retirement.

WPA 18624 of 2023 is disposed of.

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.)