

09.10.2023
SL No.71
Court No. 238
Ali

WPA 21794 of 2023

**Bijay Kumar Das
Vs.
Jadavpur University & Ors.**

Mr. Sukanta Chakraborty,
Mr. Z. Ahmed

...For the Petitioner.

Mr. Subir Sanyal,
Mr. Sagnik roy Choudhury

...For Respondent Nos. 2 & 3.

The supplementary affidavit filed on behalf of the petitioner has been kept on the record.

The petitioner is vying for the position of Head of the Department in the International Relations Department at Jadavpur University.

The crux of the petitioner's grievance pertains to an alleged violation of the Rule of rotational appointment, whereby Dr. Ishani Naskar has been appointed as the Head of the Department by the University.

Counsel representing the petitioner contends that Dr. Ishani Naskar was ineligible for the position, as her appointment as a permanent Professor at the University only occurred on February 11, 2021.

To gain a comprehensive understanding of the controversy, it is imperative to examine the relevant provisions outlined in Chapter III of the First Ordinance under the Jadavpur University Act, 1981, pertaining to the appointment of the Head of

the Department at the University. The relevant segment reads:

“3. (a) (i) In every teaching department of the University there shall be a head of the department who shall be appointed by the Vice-Chancellor by rotation in order of seniority from amongst the whole-time permanent University teachers not below the rank of a Reader;

Provided that in a teaching department where there are no Professors or Readers, the Head of the department shall be appointed from amongst the Lecturers by rotation according to seniority.

...

(d) A teacher who has already served as the head of the department may be re-appointed to that office when every-one among the other eligible teachers of the department has already served in that office in the manner prescribed in paragraph (a).”

The procedure for the appointment of the Head of the Department at the University is relatively straightforward. Initially, the most senior eligible teacher assumes the role of Head. Subsequently, this responsibility is passed to the next most senior teacher in line, and so forth. This system ensures that every eligible teaching staff member has an opportunity to

serve as the Head of the Department on a rotational basis for a duration of two years.

Furthermore, Clause (d) explicitly stipulates that a teacher cannot be re-appointed to the said post unless all other eligible teachers within the department have already completed their terms through the rotational system.

The present seniority list of faculty members within the Department of International Relations at the University is as follows:

Name	Present Post	Joining date of Professor	Term of Head in this cycle
Dr. Omprakash Mishra	Professor	08.06.2001	04.09.2018 to 03.09.2020
Dr. Partha Pratim Basu	Professor	01.02.2008	Declined
Dr. Anindya Jyoti Majumdar	Professor	04.09.2010	04.09.2020 to 30.06.2021
Dr. Shibashis Chatterjee	Professor	29.03.2012	University could not offer
Dr. Kanak Chandra Sarkar	Professor	12.02.2016	University could not offer
Dr. Ishani	Professor	11.02.2021	University

Naskar			could not offer
Dr. Imankalyan Lahiri	Professor	28.02.2021	01.07.2021 to 10.09.2023
Dr. Bijaya Kr. Das	Professor	16.01.2022	
Dr. Herken Neadan Toppo	Professor	03.05.2022	
Dr. Kamaran M.K. Mondal	Professor	01.11.2022	
Dr. Kakoli Sengupta	Professor	31.03.2023	

It is an undisputed fact that Dr. Imankalyan Lahiri held the position of Head of the Department from July 1, 2021, to September 10, 2023.

Conversely, Dr. Ishani Naskar attained permanent professorship within the department only on February 11, 2021. Apart from Dr. Ishani Naskar, Dr. Bijay Kr. Das (the petitioner), Dr. Herken Neadan Toppo, and Dr. Kamaran M.K. Mondal, every professor in the department has assumed the role of Head of the Department at least once.

The seniority list, as cited above, incontrovertibly establishes that Dr. Ishani Naskar was the most senior professor among those who had never been appointed as Head of the Department. Consequently, there was no breach of legality on the part of the University in appointing Dr. Ishani Naskar. Following the conclusion of Dr. Ishani Naskar's tenure, the next senior-most professor within the department, the petitioner, will assume the position. Subsequently, in accordance with their seniority in the list, Dr. Herken Neadan Toppo and Dr. Kamaran M.K. Mondal will succeed to the post. This is the prescribed operation of the rotational appointment system in the department.

With the aforementioned clarification, WPA 21794 of 2023 is disposed of.

Parties to act upon the server copy and urgent certified copy of this order be provided on usual terms and conditions.

(Kausik Chanda, J.)