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**WPA 22756 of 2022
with
CAN 1 of 2023**

Dr. Mohammadi Tarannum
Vs.
The State of West Bengal & Ors.

Mr. Biswaroop Bhattacharya
Mr. Pratik Majumder
... For the petitioner.

Mr. Pulak Ranjan Mandal
Ms. Bandana Mandal
Mr. Subhrangsu Panda
... For WBCSC.

Mr. Anil Kr. Gupta
... For UGC.

Mr. Amitava Chaudhuri
Mr. N. Ray
... For the State.

Let the affidavits-in-opposition filed by the parties be kept with the records.

The petitioner is an aspirant for the post of Principal. She applied for the same before the College Service Commission in the year 2022. The petitioner, in order to come within the zone of consideration for the post in question, she made a representation before the Department of Higher Education, Government of West Bengal for counting her past service. The said representation was kept pending by the State, which prompted the petitioner to file a writ petition before this Court. The said writ petition was disposed of on September 16, 2022, by

a Coordinate Bench of this Court with a direction upon the Director of Public Instruction to take a decision on the issue of counting her past service.

Following the said order dated September 16, 2022, the Director of Public Instruction rejected the case of petitioner.

In this writ petition the petitioner has challenged, inter alia, the said order dated September 23, 2022 passed by the Director of Public Instruction.

The petitioner wants to include her past service as a contractual whole time lecturer from September 15, 2006 to August 16, 2007 at South Calcutta Law College and thereafter from August 17, 2007 to December 30, 2013 at Surendranath Law College. There is no dispute that, thereafter, the petitioner was appointed as a regular Assistant Professor at Surendranath Law College.

The petitioner submits that if her past service is counted as a regular service, she would become eligible to participate in the selection process for the post of Principal.

The Director of Public Instruction rejected the claim of the petitioner on the ground that as per extant Government Circular, the past service of the petitioner cannot be counted towards the experience for the post of Principal.

I find no reason to interfere with the order of the Director of Public Instruction dated September 23, 2022 as impugned in this writ petition.

The case of the petitioner is clearly covered by a Circular dated July 22, 2015 issued by the Additional Secretary, Higher Education Department, West Bengal. The relevant part of the said circular is quoted below:-

“No. 678-Edn (CS)/EH/O/CS/5P-14/2015

From: Additional Secretary to the Government of West Bengal

To: Director of Public Instruction, West Bengal

Subject: Inadmissibility of counting of past service of the approved Part Time and Approved Whole Time Contractual Teachers in the event of full time appointment on substantive post on recommendation of WBPSC/WBCSC/University.

The question as to whether the services rendered by an approved Part-time teacher (PIT) or an approved Whole-time Contractual teacher (CWTT) or by a Guest teacher, appointed in a Government College, Government-aided College or in a State-aided University in West Bengal, will be counted as qualifying service or not, was under active consideration of the State Government for some time past.

After careful consideration of this issue, the Governor is hereby pleased to direct that the services rendered by an incumbent during engagement as an approved Part-time

teacher (PTT), or as an approved Whole-time Contractual teacher (CWTT), or as a Guest teacher or in any capacity of like nature in any college or in any University under administrative control of this Department, shall not be counted for any purpose.”

In view of the said Circular even if I accept that the petitioner was appointed with the approval of the State as a Part-time Contractual teacher, the said service could not be counted towards the experience for the post of Principal.

The qualification of the post of Principal as per Circular dated March 21, 2022 issued by the Department of Higher Education, West Bengal are as follows:

“Academic Qualifications and Experience:

- i)
- ii)
- iii) Professor/Associate Professor with a total service/experience of at least fifteen (15) years of teaching/research in Universities, Colleges and other institutions of higher education, as clarified in Note 2;
- iv) A minimum of 10 research publications in peer-reviewed or UGC-listed journals;
- v) A minimum 110 Research Score as per Appendix II, Table 2 (Methodology for University and

College Teachers for calculating Academic/Research Score) of UGC Regulations, 2018;

- vi) Any other stipulations prescribed by UGC from time to time as accepted by the State Government on the date of Advertisement.”

In the present case, the petitioner is still holding the post of Assistant Professor. She has not been granted, till date, the status of an Associated Professor. In her capacity as an Assistant Professor, she could not have applied for the post of Principal.

It has been submitted by Mr. Biswaroop Bhattacharya, learned advocate appearing for the petitioner that Circular dated July 22, 2015 is unreasonable and arbitrary.

I cannot accept such contention.

It is for the State to decide whether a past service should be counted towards the experience as a matter of policy. Unless the said circular is shown to be discriminatory or unreasonable, the same cannot be interfered with.

It has been further submitted by Mr. Bhattacharya, learned advocate, that the petitioner's Ph. D degree was not considered arbitrarily by the College Service Commission at the time of her appointment as an Assistant

Professor. After a protracted litigation for more than four years and only after intervention of this Court, she was appointed to the post of Assistant Professor giving due credit to her Ph. D degree. Therefore, the period spent in litigation should also be treated to be a regular service of the petitioner for the purpose of counting experience for the post of Principal.

I do not endorse this view as well. Unless a candidate acquires at least the position of an Associate Professor, a candidate cannot be said to be qualified to apply for the post of the Principal.

The petitioner has not yet acquired the status of an Associated Professor.

Solely on the basis of the length of service as an Assistant Professor, the petitioner cannot claim the status of an Associated Professor, which also depends on the merit in terms of the relevant Career Advancement Scheme of the University Grant Commission.

In that view of the matter, I do not find any reason to entertain this writ petition.

Accordingly, **WPA 22756 of 2022** along with **CAN 1 of 2023** is dismissed.

The interim order passed in this writ petition accordingly stands vacated.

Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Kausik Chanda, J.)