

11.12.2023
Item No. 27
Ct. No. 238
AKG

WPA 23545 of 2023
Professor (Dr.) Dhananjoy Rakshit
Vs.
The Sidho-Kanho-Birsha University & Ors.

Mr. Pijush Biswas,
Mr. Siddhartha Ghosh
...for the Petitioner
Ms. Mandeep Kaur
...for Respondent Nos. 1 & 3.

The petitioner disputes his date of promotion from Associate Professor to Professor in terms of the regulations namely, “The minimum qualification for appointment of teachers and other academic staff in Universities and Colleges and measures for the maintenance of standards in Higher Education, 2010” as granted by Sidho-Kanho-Birsha University.

The university in its meeting dated January 19, 2016 gave effect to the promotion of the petitioner on and from October 18, 2015.

Learned advocate appearing for the petitioner, in my view, has rightly pointed out that the effective date of promotion should be fixed in terms of the government order dated December 31, 2012 issued by the Higher Education, Government of West Bengal.

Clause 12.3 (i) of the said circular is quoted below:

“If a candidate applies for promotion on completion of the minimum eligibility period and is successful, the date of

promotion will be deemed to be the minimum period of eligibility.”

The university, however, by filing an affidavit has submitted as follows :

“I, however, say that merely satisfying the eligibility criteria to be promoted to the post of Professor for Career Advancement Scheme does not automatically entitle the petitioner to be promoted to the said category from any specific date. The date from which any applicant would be awarded promotion is simply a matter of academic policy and lies wholly within the academic domain of any university.”

In view of the government circular dated December 31, 2012, the stand of the university cannot be accepted. Accordingly, the university is directed to give effect to the promotion of the petitioner in terms of 12.3 (i) of the government circular dated December 31, 2012 within one-month from the date of communication of this order.

WPA 23545 of 2023 is allowed.

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.)