

09.01.2023

ap
40

WPA 26026 of 2016

Prof. (DR.) Anil Chandra Pradhan
Vs.
State of West Bengal & Ors.

Mr. Ranajit Chatterjee
... For the petitioner.

Ms. Lina Majumder
... For the University.

Mr. Amal Kumar Sen, AGP
Mr. Lal Mohan Basu
... For the State.

The petitioner retired as a Professor from Bidhan Chandra Krishi Viswavidyalaya, West Bengal.

The petitioner seeks benefit of his past service rendered as a 'Junior Scientist-cum-Assistant Professor (Agronomy)' at Birsa Agricultural University in Jharkhand from 20th August, 1982 to 2nd November, 1987.

Clause 16 of the Memorandum dated 31st January, 2000 issued by the Higher Education Department, Government of West Bengal, being No.

85-Edn (U)/

IU-26/99 is the basis of the claim of the petitioner.

The Clause is quoted below:

“16. State Government may consider extension of retirement benefit to employees (teacher, officer and non-teaching employees) who have joined any of the

State-aided Universities after serving continuously in an University, College and Research Institute/Organisation of national importance not being within the administrative jurisdiction of the state Government provided such University/College/Research Institute/Organisation of national importance pay the capitalised value of Gratuity and pension as may be determined by the State Government and agree to extend the similar benefits to any employee of the State-aided University in West Bengal on reciprocal basis."

It appears that by a subsequent Government Order dated May 22, 2000, the Department of Agriculture, West Bengal also adopted the said Government Order.

Mr. Chatterjee submits that since the order of Education Department was decided to be followed by the Department of Agriculture of the State also, the petitioner should be given the benefit of said Clause 16 of the High Education Department Circular as quoted above.

Mr. Chatterjee has referred to pages 49 and 57 of the writ petition to suggest that the petitioner's case was duly recommended by the University to the Agriculture Department and the Agriculture Department also referred the case of the petitioner to the Finance Department.

Mr. Chatterjee in support of his submission has relied upon a judgment/order delivered by a coordinate Bench of this Court in WPA 21565 of 2016 (Dr. Asit Kumar Sarkar vs. State of West Bengal & Ors.).

I am, however, of the view that Clause 16 of the Government Order dated 31st January, 2000 cannot apply to the petitioner. There has to be a reciprocal arrangements between the two Universities. No case has been made out in the petition and no Government Circular has been referred to by Mr. Chatterjee to demonstrate the reciprocity of the two Universities.

I am of the view that in absence of a recognized reciprocal arrangement, the benefit of Clause 16 cannot be applied to the petitioner.

The coordinate Bench has no occasion to consider the issue of the reciprocal arrangements in the judgment relied upon by the petitioner. As such, I am not inclined to apply the said judgment to the petitioner.

Accordingly, WPA 26026 of 2016 is dismissed.

There will be no order as to costs.

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

(Kausik Chanda, J.)