

Item-1.		RVW 51 of 2020
	23-06-2023	In
		MAT 1569 of 2019
		With
sg		WPA 24216 of 2017
	Ct. 8	
Parimal Mistry		
Versus		
The Union of India & Ors.		

Mr. Anindya Lahiri, Adv.
Mr. Samrat Dey Paul, Adv.
...for the applicant

Mr. Partha Ghosh, Adv.
Ms. Purabi Saha (Das), Adv.
...for the respondent nos. 1 and 2

Ms. Anna Malhotra, Adv.
Mr. Rishav Nandy, Adv.
...for the respondent nos. 3&4

Mr. Anil Kr. Gupta, Adv.
...for the UGC

We have heard the learned Counsel for the parties.

The petitioner is seeking review of an order passed by this Bench on 27th January, 2020. We have dismissed the appeal after taking into consideration the judgment of the previous Division Bench on 2nd December, 2015 in MAT 1548 of 2015 (Parimal Mistry & Ors. vs. Visva-Bharati, Santiniketan & Ors.) and the guidelines for Under-Graduate Courses in Semester Mode dated 5th September, 2011. We had also relied upon the Circular of the National School of Drama dated 20th July, 2014 in relation to scoring system.

Mr. Aninda Lahiri, learned Counsel appearing on behalf of the petitioner submits that in view of the UGC Regulations on Minimum Qualifications for Appointment of Teachers and other

Academic Staff in Universities and Colleges and Measures for the Maintenance of Standards in Higher Education, 2018, the petitioner is eligible to be considered for the post of Assistant Professor under Drama discipline as he is a professional artist with highly commendable professional achievement and diploma in Drama. Mr. Lahiri submits that by reason of 1981 Notification, Post-Graduate Diploma in Dramatics Art with 59% marks, the petitioner is eligible for consideration under the aforesaid relevant Rule. Although this Circular was disclosed in the affidavit-in-reply filed by the writ petitioner in WPA 24216 of 2017. However, it has been fairly submitted that the writ petition was not amended.

In view of the fact that the petitioner was appearing in person and we find that this is a relevant document which was on record but not considered by us at the time of disposal of the appeal, we recall our order dated 27th January, 2020 and permit the writ petitioner to amend the writ petition in this proceeding itself and the appeal shall be heard afresh after such amendment is carried out.

The writ petitioner shall amend the writ petition within two weeks from date. It is formal in nature.

Moreover, the said document was already disclosed in the affidavit-in-reply filed by the writ petitioner in WPA 24216 of 2017 which apparently was not considered by the learned Single Judge nor by us as it was not adverted by the petitioner who was appearing in person.

A copy of the amended writ petition shall be served upon the Advocate-on-Records for the appearing parties within two weeks from date.

The review application being RVW 51 of 2020 is disposed of.

(Saugata Bhattacharyya, J.)

(Soumen Sen, J.)