

Form J(1)

**CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
Constitutional Writ Jurisdiction
Appellate Side**

**Present :
The Hon'ble Justice Bibek Chaudhuri.**

W.P.A. 1084 of 2019

**Asit Barman
-Versus-
Uttar Banga Krishi Viswavidyalaya Pundibari & Ors.**

**For the Petitioner : Mr. Biplab Sengupta, Adv.
Mr. Sanjay Mazoomdar, Adv.
Ms. Sukanya Adhikari, Adv.**

**For the respondents : Mr. Amales Roy, Adv.
Mr. Deborshi Dhar, Adv.**

For respondent No.7 . : Mr. Debu Chowdhury, Adv.

**For the State : Mr. Subir Kumar Saha, Adv.
Mr. Bikramaditya Ghosh, Adv.
Mr. Momenur Rahman, Adv.**

Heard & Judgment On : 7th February, 2023.

Upon an advertisement issued by the Uttar Banga Krishi Viswavidyalaya, Cooch Behar, the petitioner applied for the post of Assistant Professor in the discipline of Computer of Science and Engineering in the year 2019. After filing application, he did not receive any call letter from the University. He approached the University over e-mail, which also remained unanswered. Thereafter, the petitioner was compelled to file an application under Article 226 of the Constitution which was registered as WPA 825 of 2019. The said application was

disposed of by an order dated 11th December, 2019 directing the Registrar (Recruitment), Uttar Banga Krishi Viswavidyala to communicate to the petitioner the panel that has been formed and also communicate the specific reasons as to why he has not been selected within three (3) days. On the basis of the said order passed by a Co-ordinate Bench of this Court in the above-mentioned writ petition, the petitioner was informed by the Registrar, vide letter dated 11th December, 2019, stating, *inter alia*, that the candidature of the petitioner was not considered and found to be eligible “owing to the opinion passed by the Screening Committee as follows:-“Not Eligible as B.Tech in IT”. Moreover, as per findings of the Screening Committee, the panel of eligible candidates to appear before the Selection Committee for an interview was fixed. The grievance of the petitioner is that requisite degree in Information Technology encompasses degree in Computer Science and Engineering. In other words, Information Technology is the genus of which Computer Science and Engineering is a species. In support of his contention, the petitioner relies on a notification dated 2nd April, 2018 passed by the Aliah University where the candidature of the present petitioner was accepted in the branch of Computer Science and Engineering. Even Central University of Jharkhand, Ranchi accepted petitioner’s candidature to the post of Computer Science and Technology. The said University is governed by AICTE. AICTE being the Central University, the qualification fixed by

the AICTE is applicable in respect of the said Universities. Therefore, Uttar Banga Krishi Viswavidyala could not reject the candidature of the petitioner and the action of the Uttar Banga Krishi Viswavidyala is violative of Articles 14, 16 and 21 of the Constitution of India.

Mr. Amal Ray, learned Advocate for the Uttar Banga Krishi Viswavidyala submits, on the other hand, that every University is an independent Organization and governed by their own rules, regulations and byelaws. The rules, regulations and byelaws are ratified by the State Government. Therefore, the Universities are statutory bodies and they are functionaries of state within the meaning of Article 12 of the Constitution. Since the Universities are independent entities, they can fix the educational qualification for selection or appointment of the teaching staff of the said University. Therefore, the qualification fixed by Aliah University or Central University of Jharkhand, Ranchi is not applicable with regard to Uttar Banga Krishi Viswavidyala.

Learned Advocate for the AICTE submits that AICTE has included Post Graduate Degree in Information Technology as a qualification for recruitment to the post of Assistant Professor in Computer Science and Technology. In view of such circumstances, the petitioner's contention has been supported by the learned Advocate for the AICTE.

Having heard the learned Advocate for the petitioner and the respondents, this Court likes to record at the outset that all the Universities, be it Central or the State, is governed by the UGC Act,

1956. The UGC set up the qualification for each branch of the academics which is required for the recruitment of the teaching staff. Uttar Banga Krishi Viswavidyala is bound by the UGC statute with regard to the qualification set forth for the post of Computer Science and Technology. If it is found that the UGC includes appropriate degree in IT to be considered for the post of Assistant Professor in Computer Science and Technology, the University is bound by such statute or notification published by the UGC. The UGC along with the writ petition to buttress his contention.

There is another point to be considered. There are three kinds of Universities; Central University, General University and Universities imparting special education. As per example, the University of Law does not only apply with UGC guidelines but also the guidelines issued by the Bar Council of India. Similarly, an Agricultural University is under obligation to apply with the guidelines issued by the Agricultural Department, if any. No such documents specifying qualification for the post of teaching staff has not been annexed with the writ petition by the petitioner.

In view of such circumstances, I am not in a position to grant any relief to the petitioner in the instant writ petition. Accordingly, the instant writ petition is dismissed. However, dismissal of the instant writ petition will not debar or preclude the petitioner to come up with appropriate application along with UGC notification and the notification

made by the Agricultural Department, Government of West Bengal, if any, in support of his case in future, if he so likes.

(Bibek Chaudhuri, J.)

Mithun
Ct No.2.
Sl No.10.