

19.02.2024
Item No.1
Ct. No. 238
AKG

WPA 1374 of 2018
Dr. Malabika Bhattacharjee
Vs.
Jadavpur University & Anr.

Mr. Debashis Banerjee,
Mr. Rakesh Jana
...for the Petitioner
Mr. Anil Kr. Gupta
...for UGC
Mr. Piush Chaturvedi,
Mr. Dwaipayan Sengupta,
Mr. Samrat Dey Paul
...for Respondent Nos. 1 & 2

By an interim order dated February 1, 2018, the writ petitioner was allowed to participate in a refresher course namely, "Thinking Through Gender" conducted by the Jadavpur University. The interim order made it clear that the participation of the petitioner would not create any right or equity in her favour. It was also clarified that in the event of unsuccessful outcome of the writ petition during the continuance of the course, the university would be entitled to prevent her from completing it. The eligibility to participate in the relevant course was, inter alia, as follows:

- "6) Selection criteria :**
- i) For OP, RC and STC on Thinking Through Gender**
 - a) Date of promotion due and requirement of the programme concerned for the next stage of promotion.**
 - b).....**
 - C).....**

d) Selection of applicants would be made on the basis of their Score, which is calculated as the number of days between the Date of promotion and the Date of Commencement of the course.”

The petitioner in her application disclosed her last date of promotion as November 1, 2015 from Assistant Professor Stage II to Assistant Professor Stage III.

It is an admitted position before this Court that the petitioner, at the time of her application was not promoted to Assistant Professor Stage III.

Learned advocate appearing for the petitioner tried to justify the stand of the petitioner by suggesting that though the petitioner's due date of promotion was November 1, 2015, she was denied the promotion illegally.

I am of the clear view that the petitioner could not have declared herself as Assistant Professor Stage III without being actually promoted. It is also not in dispute that on the basis of such declaration, she was considered eligible to participate in the course. Since the petitioner's participation in the selection process was based on a conscious misrepresentation of facts, she cannot claim any equitable relief from this Court.

Accordingly, **WPA 1374 of 2018** is dismissed.

If the petitioner participates in any fresh refresher course in future for her promotion, this dismissal order will have no bearing on the same.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with the requisite formalities.

(Kausik Chanda, J.)