

05.01.2024

Item No. 2

Ct. No. 238

AKG

WPA 22800 of 2023

Dr. Oindrila Ghosh

Vs.

Diamond Harbour Women's University & Ors.

Mr. Indranath Mitra

...for the Petitioner

Mr. Amitabrata Roy,
Mr. Arkadipta Sengupta

...for University

Mr. Gourav Das,
Mr. Hemanta Kr. Das

...for the State

The petitioner is an Associate Professor in the Department of English at Diamond Harbour Women's University. The petitioner was invited by St Hugh's College, University of Oxford, as a Visiting Bachelor Fellow in Victorian Studies for Michaelmas Term and Hilary Term 2023. The fellowship commenced on October 2, 2022 and continued till March 25, 2023.

It is the grievance of the petitioner that during the fellowship, though she was entitled to leave and receive her regular salary, the university denied the same.

It was urged by the university that the petitioner's salary was not released in view of the government circular dated January 28, 2008 issued by the Higher Education Department of the State, which provided inter alia as follows :-

“Study Leave

(a) Study leave for advanced study and research directly related to his/her work in the University may be granted to a teacher by the Syndicate/Executive Council provided the concerned teacher has put in the least three years service and is not due to retire there from within five years of his/her return from such leave. There shall be a gap of at least three years between two periods of such leave.

The amount of scholarship, fellowship or other financial assistance that the concerned teacher, granted study leave, has been awarded will not preclude his/her being granted study leave with pay and allowances but the scholarship, etc. so received shall be taken into account in determining the pay and allowances on which the study leave may be granted. The Foreign Scholarship / Fellowship would be offset against pay only if the fellowship is above a specified amount, which is to be determined from time to time, based on the cost of living for a family in the country in which the study is to be undertaken. In the case of a Fellowship /Scholarship / Financial Assistance which exceeds the salary of the teacher, the salary of the teacher shall be regulated in the following manner:

I.

	Value of Scholarship /Fellowship /Financial Assistance per annum	Nature of Study to be granted.
(a)	(a) US\$ 30,000 or above	Leave without pay
	(b) above US\$ 20,000 but less than US\$ 30,000	Leave with half-pay
	(c) US\$ 20,000 or less	Leave with half-pay

II. For leave up to but not exceeding 3 months full pay and allowances notwithstanding the amount of Scholarship /Fellowship received per month will be paid. However, these are subject to variation /substitution as and when UGC rules in this regard are changed.”

In course of hearing of the case, learned advocate appearing for the petitioner has produced a letter dated July 27, 2023 issued by the St Hugh's College, University of Oxford. The letter clarifies as follows :-

“My offer letter of 12 July 2022 makes it perfectly clear that “the post carries a number of **non-salaried allowances** and provisions for the Fellow's expenses” – these include research expenses, relocation expenses, travel expenses and expenses for in-College academic events.

So, for example, **expenses** for the colloquium mentioned above were covered by the E1,333 academic events fund. This was not Dr Ghosh's money; it was **not paid to her**; she merely managed the fund to ensure that the College provided hospitality (tea, lunch, dinner) to the participants and covered some of their travel or accommodation expenses. Similarly, the “grant” referred to in the letter of 12 July is **not a salary** : it covered Dr Ghosh's accommodation and living costs in Oxford; accommodation costs, for example, were deducted directly from the grant fund.

I am informed that Dr Ghosh's time in Oxford is considered by her University and the Education Department as “leave without pay”. **This is contrary to the nature of the Visiting Fellowship.** I repeat that there is **no salary contribution of any kind** included in this fellowship. Our expectation is **explicitly** that the Fellow's salary from their home institution will be continued as normal.”

(emphasis is original)

A copy of the said letter was made over to the learned advocate appearing for the university.

Today on behalf of the university, it has been submitted that the university authority is willing to decide the issue in the light of the aforesaid letter dated July 27, 2023 issued by the St Hugh's College, University of Oxford.

In that view of the matter, this writ petition is disposed of with a direction upon the Registrar of the University to consider the grievance of the petitioner in the light of the aforesaid letter dated July 27, 2023. If the petitioner is found to be entitled to receive her salary during the fellowship period, the university shall release the salary and regularise the leave for the relevant period in accordance with law within a period of one month from the date of communication of this order.

WPA 22800 of 2023 is disposed of.

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

(Kausik Chanda, J.)