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MAT 1904 of 2023
with
I.A No. CAN 1 of 2023

Sri Tapan Dasgupta
Vs.
Visva Bharati University & Ors.

Mr. Anirban Bose
Mr. Suvodeep Sen
Mr. Joydeep Dhar
Mr. Saptadeep Dhar
... For the Appellant

Mr. Soumya Majumdar
Mr. Victor Chatterjee
... For the Visva Bharati
Mr. Anil Kumar Gupta
... For the UGC

1. We have heard the learned counsel appearing for the parties.

2. The appeal is at the instance of the writ petitioner. He is aggrieved by the decision of the Registrar, Visva Bharati University, by which he was given financial assistance for Assistant Librarian (Sr. Scale) with effect from 17th October, 2007.

3. The writ petitioner contends that by reason of extension granted by the UGC on 2nd December, 2012 thereby extending the earlier period, his case should have been considered for higher scale of pay from 2008. Learned Single Judge dismissed the writ petition on the ground that the petitioner cannot claim the benefit of Circular dated 8th January, 2008 since he superannuated more than

three years after the date of issuance of the said Circular.

4. Learned counsel appearing for the appellant submits that it could be the Registrar-in-Charge, Establishment Section, upon noticing the extension of date of participation for the refresher course upto 31st December, 2013 has recommended placement of the writ petitioner from Assistant Librarian (Sr. Scale) to Assistant Librarian (Selection Grade), as per the University Grants Commission's recommendation and the matter was directed to be placed in the Karma Samity for consideration the selection of the petitioner on sympathetic ground as a very special case as there was no scope to convent a fresh selection committee.

5. The impugned communication shows that he would be given financial benefit from 19th August, 2011 when he completed his first refresher course during the extended period.

6. Learned Single Judge was of the view that the earlier extension was granted by UGC vide letter dated 8th January, 2008. The petitioner retired on 31st January, 2012 i.e. beyond the period of 3 years. However, in the mean time the UGC has extended the date of participation in refresher course upto 31st December, 2013. Mr. Dasgupta

participated two refresher courses on 23rd July, 2008 to 12th August, 2008 and 29th July, 2011 to 19th August, 2011 i.e. beyond the original letter of extension issued by the UGC on 8th January, 2008.

7. We have considered the memorandum of UGC dated 8th January, 2008 and 7th December, 2012 and we are of the opinion that the Circular does not cover the situation contemplated under the earlier Circular dated 8th January, 2008. There was no specific provision in the Circular dated 7th December, 2012 that the teachers/Assistant Librarian who would be retiring within three years from the date of the said notification would be exempted from attending the refresher course. In the instant case, the petitioner has completed the refresher course on 12th August, 2008 and 19th August, 2011 and accordingly, his scale of pay is fixed when he completed the refresher course.

8. In view of the aforesaid, we do not find any reason to interfere with the order passed by the learned Single Judge.

9. The appeal being MAT 1904 of 2023 stands dismissed.

10. In view of the dismissal of the appeal, nothing remains to be decided in the application being CAN 1 of 2023 and the same is accordingly

dismissed.

11. However, there shall be no order as to costs.

12. Urgent Photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.

(Uday Kumar,J.) **(Soumen Sen, J.)**