

21
28.07.2025
Court No.17
SK/Samar

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

WPA 11668 of 2025

Kalpita Nandi

Vs.

The State of West Bengal & Ors.

Mr. N. C. Bihani, Ld. Sr. Adv.,
Mr. Soumya Mukherjee ...for the Petitioner.

Mr. Supriyo Chattopadhyay, AGP,
Mr. Manoj Kumar Mondal ...for the State.

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

Mr. Gaurav Dutta ...for the respondent nos. 9 & 10.

Mr. Subhadip Pramanik,
Ms. Tanima Roy,
Mr. Arun Shaw ...for the respondent no. 7 & 8.

Affidavit-of-service filed on behalf of the petitioner be kept with the record.

The petitioner, on being recommended by the West Bengal College Service Commission on September 09, 2010 was appointed as a lecturer of Khatra Adibasi Mahavidyalaya.

The petitioner is complaining that in terms of the University Grants Commission (Minimum Qualifications for Appointment of Teachers and other Academic Staff in Universities and Colleges and other Measures for the Maintenance of Standards in Higher Education) Regulations, 2010, she is entitled to be promoted to the post of Assistant Professor (stage – II) on and from September 15, 2015 on completion of her M. Phil. degree in the relevant subject but such promotion has not been given to her.

Mr. Chattopadhyay, learned AGP submits that in terms of memorandum of the Higher Education Department, Government of West Bengal bearing No. 762-Edn/CS/2L-10/08 dated December 03, 2009, to get the study leave, the petitioner has to complete three years of continuous service, besides the Governing Body of the College, before sanctioning such leave, is required to take prior permission of the Director of Public Instruction, Government of West Bengal, the respondent no. 4 herein. The petitioner, at the time of applying for the study leave, neither had complete three years of continuous service nor had the Governing Body obtained the required prior permission from the respondent no. 4.

Mr. Bihani, learned senior advocate for the petitioner submits that the petitioner is physically disabled to the extent of 60%,

she is not expected to know about the requirement of such prior approval of the respondent no. 4, she had applied for study leave and the College authority has granted it. He further submits that the promotion of the petitioner was approved by the screening committee and the same was done on the basis of the approval of the self-appraisal internal quality assurance cell in which there was Government nominee, therefore, the State, at this stage, cannot raise technical objections like shortfall in continuous service or lack of prior permission in granting the study leave to deny the due promotion of the petitioner.

Heard the learned advocate for the parties, perused the materials-on-record.

The Governing body of the college has sanctioned the study leave to the petitioner without obtaining the prior permission of the respondent no. 4, the petitioner is not expected to know about the said requirement, nonetheless, she has completed M.Phil. in the relevant subject, therefore, denial of due promotion to the petitioner on the said ground, would not be justified, particularly when the petitioner is a physically challenged woman, such irregularity in granting the study leave to the petitioner stands regularized.

Now, the respondent no. 4 is to consider as to whether the shortfall of 5 months in continuous service of the petitioner in obtaining the study leave can be condoned or not.

The said respondent shall decide the aforesaid issue after giving opportunity of hearing to the petitioner and/or her agent and the authority of the Khatra Adibasi Mahavidyalaya.

It is expected that the respondent no. 4 shall complete the drill in this regard expeditiously, preferably within a period of six weeks from the date of communication of this order.

In the event such shortfall is condoned, the respondent no. 4 shall take forward steps for grant of due promotion(s) to the petitioner in accordance with law.

W.P.A. 11668 of 2025 is disposed of with the above terms without any order as to costs.

Parties to act on the server copy of this order duly downloaded from the official *website* of this Court.

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

(Biswajit Basu, J.)