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26.08.2025
Court No.15
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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

WPA 16953 of 2024

Dr. Milan Mandal
Vs.

The State of West Bengal & Ors.

*Mr. Samim Ahammed,
Mr. Arka Maity,
Ms. Ambiya Khatun* ...for the Petitioner.

*Mr. Pulak Ranjan Mondal,
Ms. Bandana Mondal,
Mr. Subhrangsu Panda,
Mrs. Ina Bhattacharyya,
Mrs. Mithu Singha Mohapatra*
...for the West Bengal College Service Commission.

*Mr. Sukumar Bhattacharyya,
Ms. Tanusree Ghosh* ...for the Union of
India.

Mr. Anil Kumar Gupta ...for the U.G.C.

The petitioner is an aspirant for the post of Principal in a State-aided College in West Bengal. He applied for the said post pursuant to Advertisement No. 2/2024 issued by the West Bengal College Service Commission.

By filing the present writ petition, the petitioner has challenged various aspects of the selection process adopted by the College Service Commission for recruitment to the post of Principal.

At the outset, learned counsel for the petitioner submitted that although the University Grants Commission (UGC) Regulations on Minimum Qualifications for Appointment of Teachers and Other

Academic Staff in Universities and Colleges and Measures for the Maintenance of Standards in Higher Education, 2018 (hereinafter referred to as the “UGC Regulations, 2018”) contemplate preparation of a shortlist of eligible candidates, the College Service Commission, in deviation from the said Regulations, permitted all applicants to participate in the interview without undertaking any shortlisting exercise.

During the course of hearing, the College Service Commission submitted that, as against approximately 90 notified vacancies for the post of Principal, only 410 applications were received. In view of such comparatively limited response, the Commission considered it unnecessary to undertake a shortlisting exercise and accordingly permitted all candidates to participate in the interview. Having regard to this factual position, the petitioner has not pressed the issue of shortlisting.

The petitioner further contends that the qualifications prescribed in the impugned advertisement for the post of Principal are violative of the UGC Regulations, 2018. In particular, reliance is placed on Note-2 of Clause (f) of the qualifications prescribed in the advertisement.

The petitioner has specifically expressed his reservation with regard to Clause (f) of Note-2 appended to the advertisement. It is submitted that

the UGC Regulations, 2018 do not permit ad-hoc, temporary, or contractual service to be considered for appointment to the post of Principal.

It is further submitted that the UGC Regulations, 2018 mandate that the selection process must incorporate transparency and a credible methodology. According to the petitioner, the College Service Commission, while publishing the panel, does not disclose the marks obtained by individual candidates in the selection process. The petitioner contends that transparency requires such disclosure so that the merit of each candidate can be objectively assessed.

The petitioner has also urged that the College Service Commission selects candidates solely on the basis of their performance in the interview. Such a process, it is argued, creates a real possibility of manipulation by sidelining meritorious candidates and disregarding their academic credentials.

It is further contended that the selection committee of the College Service Commission has not been constituted in accordance with Clause 5.1(viii)(a) of the UGC Regulations, 2018.

In support of the above submissions, Mr. Arka Maity, learned advocate appearing for the petitioner, has argued that the UGC Regulations, 2018 have an overriding effect over State legislation, and therefore the College Service Commission is bound to conduct

the recruitment process strictly in conformity with the UGC Regulations, 2018. Any deviation or infraction thereof, it is submitted, vitiates the entire selection process. In support of his submission, reliance has been placed upon the judgment reported in **(2022) 5 SCC 179 (Gambhirdan K. Gadhvi v. State of Gujarat)**.

With particular reference to the consideration of ad-hoc, temporary, or contractual service, Mr. Maity has relied upon the judgment of the Hon'ble Supreme Court reported at **2024 SCC OnLine SC 3776 (Allahabad University & Ors. v. Geetanjali Tiwari (Pandey))**.

Before dealing with the submissions advanced on behalf of the petitioner, it must be noted that the State of West Bengal, by Notification No. 222-Edn (CS)/8R-1/2010 dated March 21, 2022, has formally adopted the UGC Regulations, 2018 for appointment of Principals. Table-2 of Appendix-II has been incorporated into the recruitment rules for the post of Principal. Accordingly, it cannot be said that the College Service Commission has deviated from the UGC Regulations, 2018 in evaluating the merit of candidates.

As regards Mr. Maity's contention concerning inclusion of experience gained in temporary, ad-hoc, or contractual capacity, it must be noted that such

experience has been expressly recognised under the UGC Regulations, 2018. Clause 10 of the said Regulations has, in fact, been incorporated in its entirety by the College Service Commission in the relevant Rules. Clause 10 of the Regulations is quoted below:

“Teaching/Research/Administrative Experience Criteria:

(A) Previous regular service, whether national or international, as Assistant Professor, Associate Professor or Professor or equivalent in a University, College, National Laboratories or other scientific/professional organisations such as the CSIR, ICAR, DRDO, UGC, ICSSR, ICHR, ICMR and DBT, should count for the direct recruitment of Principal, provided that –

(a) The essential qualifications of the post held were not lower than the qualifications prescribed here;

(b) The post is/was in an equivalent grade or of the pre-revised scale of pay as the post of Associate Professor (Reader) and Professor;

(c) The concerned Associate Professor or Professor should possess the same minimum qualifications as prescribed by the UGC for appointment to the post of Associate Professor and Professor, as the case may be;

(d) The post was filled in accordance with the prescribed selection procedure as laid down in the Regulations of the University/State Government/Central

Government/Institutions concerned, for such appointments;

(e) The previous appointment was not as guest lecturer for any duration;

(f) The previous Ad-hoc or Temporary or contractual service (by whatever nomenclature it may be called) shall be counted for direct recruitment to Principal, provided that-

(i) the essential qualifications of the post held were not lower than the qualifications prescribed by the UGC for Associate Professor and Professor, as the case may be;

(ii) the incumbent was appointed on the recommendation of a duly constituted

Selection Committee/Selection Committee constituted as per the rules of the respective university;

(iii) the incumbent was drawing total gross emoluments not less than the monthly gross salary of a regularly appointed Associate Professor or Professor, as the case may be; and

(g) No distinctions shall be made with reference to the nature of management of the institution where previous service was rendered (private/local body/Government), while counting the past service under this clause.

(B) The period of time spent by the candidates to acquire M. Phil and/or Ph.D. Degree shall not be claimed or considered as teaching/research experience for appointment to the post of Principal.

(C) Further the period of active service spent on pursuing Research Degree simultaneously with teaching assignment without taking any kind of leave shall be counted as teaching experience for the purpose of direct recruitment to the post of Principal.”

Mr. Maity, however, submits that Clause 10 of the UGC Regulations, 2018 does not apply to the post of Principal, inasmuch as the said Clause expressly provides that its conditions are applicable to the posts of Assistant Professor, Associate Professor, Professor, or equivalent. He contends that since the post of Principal has not been specifically mentioned in Clause 10, the qualifications and experience prescribed therein cannot be extended to the post of Principal.

I am, however, unable to accept the aforesaid contention advanced by Mr. Maity. The eligibility criteria for the post of Principal are specifically laid

down under Clause 4.1(V) of the UGC Regulations, 2018. The relevant provision is quoted below:

“V. College Principal and Professor (Professor’s Grade)

A. Eligibility:

- (i) Ph.D. degree
- (ii) Professor/Associate Professor with a total service/experience of at least fifteen years of teaching/research in Universities, Colleges and other institutions of higher education.
- (iii) A minimum of 10 research publications in peer-reviewed or UGC-listed journals.
- (iv) A minimum of 110 Research Score as per Appendix II, Table 2

B. Tenure

- i) A College Principal shall be appointed for a period of five years, extendable for another term of five years on the basis of performance assessment by a Committee appointed by the University, constituted as per these regulations.
- ii) After the completion of his/her term as Principal, the incumbent shall join back his/her parent organization with the designation as Professor and in the grade of the Professor.”

It is therefore evident that the eligibility criteria for the post of College Principal and that of Professor are identical. It must also be borne in mind that a College Principal is required to be of the grade of a Professor, and therefore the qualifications prescribed for the post of Professor are equally applicable to the post of Principal.

For appointment to the post of Professor or Associate Professor, Clause 10 of the UGC Regulations,

2018 permits consideration of service rendered in a casual, ad-hoc, temporary, or contractual capacity. If such service is taken into account while considering eligibility for appointment as a Professor or Associate Professor, the same service cannot, in fairness, be excluded when a candidate seeks appointment to the post of Principal. Accordingly, I am of the considered view that Clauses 8 and 10 of the UGC Regulations, 2018 permit the Selection or Appointing Authority to take into account service rendered in ad-hoc, contractual, or temporary capacity for the purpose of assessing eligibility for the post of Principal, subject of course to fulfillment of the other conditions stipulated therein.

However, such consideration would arise only in the case of a candidate who has been regularly appointed as an Associate Professor or Professor with the other requisite qualifications.

With regard to the prayer for publication of individual marks obtained by candidates, I find that it is the consistent view of this Court that unless the governing Regulations mandate publication of the panel with disclosure of individual marks, the Commission cannot be compelled to do so. This principle has been affirmed both by a learned Single Bench in *Sourav Kumar Pathak & Ors. v. State of West Bengal & Ors.* (WPA 11381 of 2021) and by a Division

Bench in *The West Bengal College Service Commission & Ors. v. Dr. Monalisa Ghosh & Ors.* (MAT 1968 of 2023).

In the present case, although the petitioner has prayed for publication of the panel along with individual marks, no challenge has been mounted against the relevant Recruitment Rules. In the absence of such a challenge, the petitioner cannot succeed in compelling the Commission to publish a merit list disclosing the marks obtained by individual candidates.

Adverting to the issue of selection on the basis of interview alone, it is pertinent to note that this Court, by an order dated April 25, 2024, had observed:

“It also appears that final selection has to be solely on the basis of the performance in the interview. There may be a scope to manipulate the final selection when in final selection, the academic records and research performance are excluded in totality and the selection is solely basis on the interview. In many cases, giving excessive weightage in the interview has been frowned upon by the Supreme Court.

In the contest of the aforesaid prima facie view, the Court feels that the University Grants Commission should file an affidavit declaring its stand.”

In compliance with the aforesaid direction, an affidavit has been filed by the University Grants Commission. The relevant portion of the said affidavit is set out below:

“That, it is further submitted that Clause 4.1 (I) of UGC Regulations, 2018 provides for direct recruitment to the post of Assistant Professor in disciplines of Arts, Commerce, Humanities, Education, Law, Social Sciences, Sciences, Languages, Library Science, Physical Education, and Journalism & Mass Communication. The Note annexed to the said Clause states that, *'The Academic score as specified in Appendix II (Table 3A) for Universities, and Appendix II (Table 3B) for Colleges, shall be considered for short-listing of the candidates for interview only, and the selections shall be based only on the performance in the interview.'*

It is stated in this regard that the Academic score as specified in Appendix II (Table 3A) for universities and Appendix II (Table 3B) for colleges shall be considered for short-listing of the candidates for interview only, and the selections shall be based only on the performance in the interview. The short listing of the candidates shall be done on the basis of the criteria provided in the above-mentioned Clause and after that the number of the candidates called for interview is selected for the said post on the basis of his/her performance on merits which is to be decided by the concerned Selection Panel/Committee conducting the Interview keeping in view the requisite qualifications prescribed by UGC.”

The affidavit filed by the UGC indicates that the members of the interview board are required to assess the merits of the candidates by giving due weightage to their academic records and other credentials, in terms of Table 2 of Appendix-II of the UGC Regulations, 2018. The selection by the members of the interview committee is not to be made solely on the basis of the performance of the candidates on the date of the

interview. The apprehension of the petitioner is, therefore, unfounded.

However, it must be observed that the expression “only on the performance in the interview” may reasonably give rise to a confusion that the final selection of a candidate would be made exclusively on the basis of his performance on the date of the interview. To dispel such confusion, it is necessary that the UGC issue a clarificatory notification indicating the factors to be taken into consideration by the interview board while selecting candidates.

I also find no merit in the submission advanced on behalf of the petitioner that the composition of the Selection Committee constituted by the College Service Commission is contrary to the provisions of the UGC Regulations, 2018. It is to be borne in mind that the College Service Commission has been established under the College Service Commission Act, 1978, as amended from time to time, for the purpose of conducting a centralized selection process for appointment of Principals and teachers in various aided colleges across the State. The statutory scheme clearly provides that the process of selection is to be conducted by the Commission itself, and not by the individual colleges.

In such a centralized selection process, the Selection Committee cannot be expected to be

constituted in the manner contemplated under the UGC Regulations, 2018, which prescribe the composition of Selection Committees only in the context of appointments made directly by individual educational institutions. The scheme under the UGC Regulations, 2018, is, therefore, not applicable, in its strict sense, to the centralized recruitment undertaken by the College Service Commission.

Accordingly, the contention of the petitioner that the constitution of the Selection Committee is not in accordance with the UGC Regulations, 2018, cannot be sustained.

In view of the aforesaid discussion, I find no ground to entertain the present writ petition.

Accordingly, **WPA 16953 of 2024** stands disposed of.

Urgent photostat certified copy of this order, if applied for, be supplied to the learned advocates for the parties on usual undertakings.

(Kausik Chanda, J.)