

S/L 25
15.07.2025
Court No.17
SD

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

WPA 18378 of 2024

Dr. Bidyut Banerjee & Anr.

Vs.

The State of West Bengal & Ors.

Mr. N.C. Bihani, Sr. Adv.

Mr. Soumya Mukherjee

...for the Petitioners.

Mr. Swapan Kumar Dutta, Sr. Adv.

Mr. Rajat Dutta

...for the State.

Mr. Anil Kumar Gupta

...for the UGC.

The petitioner nos.1 and 2 are the Graduate Laboratory Instructors ('GLI' in short). They are working as such at Serampore College and Lalbaba College respectively, the said Colleges are under the University of Calcutta.

The grievance of the petitioners is that though they are possessing Ph.D. (Environmental Science) but the Higher Education Department, Government of West Bengal has not extended the benefit of incentives to them, in terms of its memorandum bearing No. 892-Edn (U) dated November 04, 2016.

The petitioners, praying such incentives, had filed a writ petition being WPA 12008 of 2023. The said writ petition was disposed on June 26, 2023 by directing the Director of Public Instruction, Higher Education Department, Government of West Bengal, the respondent no.3 herein to consider the said prayer of the petitioners.

In compliance with the said direction, the respondent no.3 has passed an order bearing No. 154L/1C-285L/2023 dated June 25, 2024, whereby the prayer of the petitioners has been rejected on the grounds that by the UGC Regulation, 2010 as well as memorandum bearing No. No.892-Edn (U) dated November 04, 2016 read with Memo No.986-ED/2016 dated November 24, 2016 and G.O. No.503-Edn(U) dated May 12, 2017, the benefit of the incentives, on acquisition of Ph.D., M.Phil. and other higher qualification though has been extended to Librarian and Physical Instructor but the GLIs have not been included in the said Government orders/memorandums.

The said order dated June 25, 2024 is under challenge in the present writ petition.

Mr. Bihani, learned senior advocate for the petitioners submits that the petitioners along with some other employees of

Higher Education Department, Government of West Bengal had filed a writ petition being WP 5685 (W) of 2016 to get the benefit of said incentives.

A Co-ordinate Bench of this Court, by the order dated August 2, 2016 had disposed of the said writ petition holding that the UGC has clarified its position by a writing dated August 17, 2015, that the incentives under the UGC Regulation, 2000 and UGC Regulation, 2010 are payable to the petitioners and to the persons similarly situated and circumstanced as that of the petitioners but unfortunately, in spite of such observations, the benefit of incentives have not been provided to the petitioners.

Mr. Bihani then refers to the G.O. No.892-Edn (U) dated November 04, 2016 and contends that paragraph 3 thereof though had sought to exclude the petitioners from the benefit of the said incentives but by the subsequent notification bearing No.503-Edn(U)/1U-79/13 dated May 12, 2017, the said benefit has been extended to the teachers of a college, which includes GLIs, therefore, the order impugned is not sustainable.

Mr. Dutta, learned advocate for the State in his usual fairness submits that he has nothing to submit in support of the impugned order.

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

Neither the UGC Regulation, 2010 nor any government orders/memorandums mentioned in the impugned order curtails the right of the petitioners to get the benefit of the incentives in terms of the aforementioned memorandum bearing No. 892-Edn (U) dated November 04, 2016, rather the memo dated May 12, 2017 extends the said benefits to the teacher and a GLI is a teacher within the meaning of 'Teacher of a College' as defined under Section 2(xxi) of the West Bengal Universities and Colleges(Administration and Regulation) Act, 2017, the said definition is quoted below for ready reference :-

"2...

*(xxi) "Teacher of a college" means a Principal, an Assistant Professor, Associate Professor or Professor holding a sanctioned teacher post in a college and includes Librarian and **Graduate Laboratory Instructor** and such other posts as may be determined by the State Government from time to time;"*

The order impugned, for the above reason, is not sustainable and is accordingly set aside.

The respondent no.3, therefore, is directed to extend the benefit of the incentives to the petitioners in terms of the Memorandum dated November 4, 2016.

The petitioner no.2 since has retired from his service on attaining the age of superannuation, the respondent no. 3 shall re-fix the scale of pay of the petitioner no.2 so that the rate of pension payable to him can be revised on the basis of his admissible scale of pay.

The respondent no.3 shall carry out the directions made above as expeditiously as possible, preferably within a period of six weeks from the date of communication of this order.

WPA 18378 of 2024 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 copy of this order, if applied for, be supplied to the parties, subject to compliance of all requisite formalities.

(Biswajit Basu, J.)