

30 20.01.2025
NB Ct. 17

WPA 29783 of 2024

Dr. Apurba Barman
Vs.
The State of West Bengal & Ors.

Mr. Sudipta Dasgupta,
Mr. Baibhav Roy.
...for the petitioner.

Mr. Swapan. Kumar Datta Id.AGP.,
Mr. Dipankar Dasgupta.
...for the State.

Mr. Subhrangsu Panda,
Ms. Ina Bhattacharyya,
Ms. Mithu Singha Mahapatra.
...for the respondent nos.04&5.

Report filed on behalf of the State is taken on record.

Copy of the same has been served upon the other side.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner was recommended for appointment as an associate professor by the College Service Commission and thereafter, was given appointment by the respondent/College on 16.01.2023. He joined on 17.10.2023. In spite of this, he has not been paid any salary till date. His instruction is that the College authorities already sent necessary documents to the DPI for an appropriate order. The petitioner made a representation in this regard before the DPI on 26.09.2024, but the same was not responded to. However, in the report filed by the State, there is an indication that the petitioner's pay fixation has been done without Ph.D incentive pending decision of the Hon'ble High Court of Meghalaya on the question of validity of the Ph.D degree granted from such University.

The College Service Commission is represented.

Learned senior counsel representing the State relies on the report and submits as follows. As the validity of the Ph.D degree awarded to the petitioner by the CMJ University is under scrutiny and pending decision before the Hon'ble High Court of Meghalaya, provisional approval for pay fixation without Ph.D incentive has been made vide Order dated 13.01.2025 fixing the petitioner's pay at level 10, Cell 01 as per GO No.1306-Edn (U) dated 30.12.2019 and GO No-120-Edn(U) dated 03.02.2020 with effect from the date of joining in the said College.

At this stage, learned counsel appearing on behalf of the petitioner submits that he has not received any salary as yet including arrears.

It appears that the State has already taken steps for fixing the petitioner's pay.

Let appropriate steps be taken by the respondent authorities so that the pay actually reaches the petitioner including arrears at the earliest.

The issue of giving benefit of pay incentive would obviously be subject to what the Court decides.

No further order, therefore, need be passed in this regard.

With these observations, the writ petition is disposed of.

As affidavits were not called for, allegations contained in the writ petition are deemed not to have been admitted.

Urgent photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

(Jay Sengupta, J.)