

Sl. No.01
11.02.2025
Suman
Ct. 02

Calcutta High Court
In the Circuit Bench at Jalpaiguri
Appellate Side

WPA 303 of 2025

Bhaskar Sen
VS.
The State of West Bengal and Ors.

Sk. Sahjahan Ali
Ms. Madhushri Dutta
..for the petitioner

Mr. Anirban Banerjee
Ms. Rima Sarkar
..for the State

The petitioner seeks an enhancement of his pay scale based on his M.Sc. degree obtained from Vinayaka Missions University for the academic session 2013–2015.

The petitioner submits that he completed his M.Sc. degree through distance education from an off-campus center of the said university in Siliguri.

In support of the petitioner's case, the learned advocate appearing for the petitioner has relied on a judgment delivered by a Division Bench of this Court on September 22, 2023 in MAT 1499 of 2016 (*Sumanta Majumder v. The State of West Bengal*). Conversely, the learned advocate representing the State has cited a judgment passed by a Co-ordinate Bench of this Court in W.P. 5662 (W) of 2016 (*Sri Kanailal Jana v. University of Calcutta*).

After hearing the arguments of both parties, I am of the view that the petitioner is not entitled to any relief, and the judgment delivered in ***Kanailal Jana*** (supra) is directly applicable to the present case.

The relevant portion of the said judgment is quoted below:

“4. The learned advocate for the Calcutta University has referred to an order dated January 15, 2014 passed in AST 275 of 2014 with AST 163 of 2014 (The Registrar, The University of Calcutta v. Subrata Mondal) in which the Division Bench has found that Vinayaka Missions Research Foundation is not entitled to grant M. Sc. degree through a study centre under the distant learning mode. In any event, she has submitted that Vinayaka Missions Research Foundation does not have requisite permission from U.G.C. to grant a M. Sc degree through a study centre under the distant learning mode. She has also submitted that the petitioner had undertaken the Course through Vinayaka Missions University which does not figure in the list of deemed Universities of U.G.C. referred to by the petitioner’s learned advocate.

5. I have considered the rival contentions of the parties and the materials made available on record.

6. It appears from the documents annexed to the writ petition that the petitioner had undertaken the Course of M.Sc Mathematics through Vinayaka Missions University. It further appears from a writing dated December 24, 2015 issued by the NCTT Institute for Higher studies that the petitioner had undertaken the M.Sc Mathematics Course as a student of Vinayaka Missions University, Salem, Tamil Nadu through Off Campus Study Centre.

7. The U.G.C. notification dated August 10, 2009 relied upon by the petitioner list many deemed Universities. One of them is Vinayaka Missions Research Foundation.

8. Even after assuming that the name of Vinayaka Missions University has been changed to Vinayaka Missions Research Foundation, the notification dated August 10, 2009 of U.G.C. does not allow Vinayaka Missions Research Foundation to grant M.Sc. degree in Mathematics through a Off Campus study centre under the distant learning mode.

9. In Subrata Mondal (supra), the Division Bench while considering an appeal from an interlocutory order has held that the qualification attained by the petitioner cannot be recognized as a valid one.”

Furthermore, I am of the view that the judgment delivered in MAT 1499 of 2016 (*Sumanta Majumder v. The State of West Bengal and Others*) is not applicable to the facts of the present case, as it pertains to a degree obtained from Madurai Kamaraj University for the academic session 2009–2010.

Moreover, in that case, the Division Bench merely directed the Secretary of the University Grants Commission to take a final decision regarding the MBA degree obtained by the writ petitioner for the academic session January 2009–December 2010.

In view of the foregoing, this writ petition cannot be entertained and is accordingly dismissed.

Thus, **WPA 303 of 2025** stands dismissed.

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.)