

64 **11.03.
2026**

Ct. No. 24

Ab

WPA 9688 of 2025

**Soumyendra Sen and another
Vs.
Visva-Bharati and others.**

**Mr. Arka Maiti,
Ms. Ambiya Khatun.**

... for the petitioners.

**Mr. Victor Chatterjee,
Mr. Pramitava Nath,
Ms. Shreya Bhattacharjee.**

... for the respondents.

1. The petitioners are aggrieved that their pay band was designated under the 2nd Modified Assured Career Progression (MACP) Scheme. Both petitioners retired as Deputy Registrar of the University after working for almost 15 years. The years of service clearly disentitled the petitioners to be designated under the pay band of 2nd MACP Scheme. Thus, aggrieved with such classification, the petitioners have approached this Hon'ble Court by the present writ petition.
2. The petitioners received certain financial benefits, not under the MACP Scheme, but on account of 6th Pay Commission. The University had taken this enhancement of pay and sought to transpose the same in consonance with the UGC letter of July 9, 2010 thereby contending that all promotions, time bound promotions, in-side promotions, upgradation

etc. resulting in financial benefits of higher pay scales, have to be adjusted against the MACP Scheme.

3. According to Mr. Chatterjee, learned Advocate appearing for the respondents, since the pay scale of the petitioners was increased by the 6th Pay Commission, it had to be adjusted in MACP Scheme and therefore, the petitioners were re-designated as qualified in the 2nd MACP Scheme.
4. The report filed by the respondent no. 1, a copy whereof is kept on record, also makes the same insinuation.
5. The *sine qua non* for being designated into 2nd MACP Scheme is at least 20 years of service in a particular pay scale, for which the petitioners herein do not qualify. Thus, the question of the petitioners being classified as 2nd MACP Scheme does not arise.
6. The letter of the UGC of July 9, 2010 has to be read in consonance with the prevalent laws. If the petitioners are the beneficiaries of an enhanced pay on account of a revision made by the Pay Commission, the same cannot be strictly construed as being adjustable against the MACP Scheme, since the Scheme has separate parameters, which have to be fulfilled by a candidate. The petitioners do not fulfil such parameters and cannot be construed as being eligible for designation/classification in the 2nd

MACP Scheme.

7. If, the petitioners were indeed to be classified/designated as eligible for the 2nd MACP Scheme, it would be imperative for the University to disclose that the petitioners had been eligible and inducted into 1st MACP Scheme. There ought to have been relevant orders for such purpose. There is no such order showing the petitioners to be eligible for the 1st MACP Scheme and indeed there is no such order, as admitted by both parties. It is also fairly admitted that the petitioners have never been classified/designated in the 1st MACP Scheme. Hence, the question of being re-designated and/or re-classified into the 2nd MACP Scheme cannot arise.
8. In view of the afore-stated discussions, the classification of the petitioners in the 2nd MACP Scheme by the University dated September 3, 2025 and January 19, 2026 respectively are set aside.
9. The University is directed to issue requisite orders classifying both petitioners as eligible candidates under the 1st MACP Scheme and to release and disburse the necessary financial benefits from the date as and when they became eligible, if not already done.
10. With the afore-stated directions, the writ petition is disposed of.
11. There shall, however, be no order as to costs.

12. Urgent Photostat certified copy of this order, if applied for, be given to the parties on priority basis.

(Reetobroto Kumar Mitra, J.)