05-10-2026
Item No.19 ML
Subrata
Bhattacharyya
AR(C)

IN THE HIGH COURT AT CALCUTTA

Constitutional Writ Jurisdiction
Appellate Side

WPA No.13711 of 2026
Jayanta Tarafdar
-vs-
The State of West Bengal & Ors.

Mr. Ekramul Bari
Mr. Sk. Imtiaj Uddin ...for the petitioner

Mr. Chandra Sekhar Bag
Mr. Kaustav Seal
Mr. Saikat Koley ...for the State

1. The order dated April 30, 2026 passed by the Principal Secretary, Government of West Bengal, Agricultural Department rejecting the petitioner's claim for salary after attaining the age of 62 years for being not admissible as he was not appointed as a regular teacher of the subject in the University against any substantive vacancy is impugned in the writ petition.

2. Learned counsel for the petitioner relies upon an order dated October 12, 2023 issued by the Vice-Chancellor of Bidhan Chandra Krishi Viswavidyalaya (BCKV) mentioning that the petitioner was principally appointed in the cadre of lecturer (research) in the department of Plant Pathology, Faculty of Agriculture and placed under NARP, Hill Zone at Kalimpong. The post where the petitioner was appointed was substantive in nature. The service of the petitioner was confirmed on December 19, 2018 with effect from September 10, 1992 under the

provisions of the Bidhan Chandra Krishi Viswavidyalaya Act, 1974. The petitioner was subsequently placed in AICRPs for exploring research dimensions in the interest of the Viswavidyalaya. Thereafter, the petitioner got promoted to the post of professor under the career advancement scheme.

3. By the aforesaid order dated October 12, 2023, the petitioner was transferred as professor in the department of Plant Pathology under Faculty of Agriculture as he was primarily appointed in a substantive post.

4. By a notification dated July 8, 2021, BCKV rescheduled the date of retirement of full-time regular teachers and such other regular employees who are in receipt of the State Government's notified scale of pay and holding a substantive post in BCKV or any college under BCKV and who are in service on June 1, 2021 from 62 years to 65 years with immediate effect.

5. The petitioner was not being paid his remuneration despite being transferred as professor in the department of Plant Pathology for which he filed a writ petition being WPA No.2358 of 2026. The said writ petition was considered and disposed of by the Court on March 11, 2026 wherein the Court clearly ordered that the petitioner would be entitled to the benefit of the notification of BCKV dated July 8, 2021.

6. While considering the prayer of the petitioner for release of remuneration, the authority came to a finding that there was nothing on record to show that the petitioner was appointed as a teacher against any substantive post in BCKV. The concerned official appointment was at NARP and

subsequently his service was placed in AICRP where he worked till October 12, 2023 and thereafter, he got transferred as professor of the department of Plant Pathology.

7. The Principal Secretary opined that the order passed by the Vice-Chancellor of BCKV was devoid of any force to convert unilaterally the project link status of the petitioner into that of a substantive status. According to the Principal Secretary, the petitioner had always been initially an employee under NARP and then subsequently under AICRP and was never formally appointed as a regular teacher of the University against any substantive post in accordance with the recruitment rules.

8. It has been submitted by the learned counsel for the State that as no approval has been obtained by the University for formal appointment of the petitioner as a regular teacher in the University against any substantive post and as the post in which he joined service was purely temporary, accordingly, the petitioner will not be entitled to the benefit of enhancement of the age of retirement from 62 years to 65 years. Prayer has been made to dismiss the writ petition.

9. None represents BCKV.

10. The communication made by the Vice-Chancellor of BCKV to the Principal Secretary on April 22, 2024 clearly mentions that the petitioner started his service career in undivided BCKV in September 1991 in State Government approved post of lecturer (research) under National Agricultural Research Project (NARP) Hill Zone. At the time of bifurcation of BCKV, Regional Research Station (Hill Zone), Kalimpong went

under the jurisdiction of Uttar Banga Krishi Viswavidyalaya (UBKV).

11. As part of bifurcation policy framed by the State Government, the petitioner was given the opportunity to exercise option in respect of choosing either BCKV or UBKV. The petitioner chose BCKV and, accordingly, he was posted in AICRP. The petitioner was not appointed for AICRP but was simply placed there through the optional placement. Since the beginning of the petitioner's appointment as lecturer (research) of the University in a Government approved post was in accordance with section 33A of BCKV Act, 1974. The said post is not a temporary one. The Vice-Chancellor has certified that he was all along a regular employee of the University under the teaching category and would be guided by the State Government guidelines and not by ICAR norms. The University strongly demanded that the salary of the petitioner should be immediately released with effect from November 2023 onwards.

12. It appears that the Principal Secretary has failed to notice the initial appointment of the petitioner and has erroneously concluded that the petitioner was not appointed in a regular post of the University. The initial appointment letter of the petitioner dated September 10, 1991 is annexed to the writ petition wherein it is specifically mentioned that the terms and conditions of his service would be guided by the BCKV Act as amended from time to time.

13. The Hon'ble Division Bench of this Court on August 14, 2026 passed an order in MAT No.1469

of 2025 (State of West Bengal & Anr. v. Dr. S.K. Patra & Ors.) and clearly held that to deny pension to the employees who initially served in AICRP and served BCKV would be arbitrary and illegal.

14. As the Hon'ble Division Bench in the matter of Dr. S.K. Patra (supra) held that the employees who were serving in the project and later served BCKV would be entitled to receive pension on superannuation at the age of 65 years, accordingly, the order of rejection of the petitioner's prayer to continue service till 65 years cannot be sustained in the eye of law.

15. Records reveal that the petitioner is all along an employee of BCKV and his service was utilized in various projects and research work of the University. The petitioner would definitely be entitled to the benefit of notification dated July 8, 2021.

16. In view of the above, the impugned order passed by the Principal Secretary dated April 30, 2026 is liable to be set aside, and is, hereby set aside.

17. Since the petitioner is still in service but is not being paid his salary since November 2023, accordingly, the respondent authorities are directed to forthwith take necessary steps to release all arrear salary and allowances of the petitioner by treating him to be in service. His current salary shall also be paid promptly.

18. As the petitioner would be receiving his arrear salary after prolonged delay, the arrears of the petitioner would be paid with simple interest calculated at the rate of 6% p.a. payable on and from the due date till the date of actual payment.

19. The writ petition stand allowed.

20. All parties are to act on the server copy of this order duly downloaded from the official website of this Court.

21. Certified server copy of this order, if applied for, shall be made available to the parties.

[Amrita Sinha, J]