

**IN THE HIGH COURT AT CALCUTTA****Civil Writ Jurisdiction****Appellate Side****Present: - Hon'ble Mr. Justice Subhendu Samanta.****W.P.A. No. – 2498 of 2022****IN THE MATTER OF****Aparna Sarkar****Vs.****Visva Bharati University & Ors.**

**For the Petitioner** : **Mr. Sudip Ghosh Chowdhury, Adv.,  
Ms. Bina Baidya, Adv.,  
Mr. Abhishek Bose, Adv.,  
Ms. S. Mitra Adv.**

**For the University** : **Mr. Pranit Bag, Adv.  
Mr. Anuj Kumar Mishra Adv.**

**Judgment on** : **22.09.2023**

**Subhendu Samanta, J.**

The petitioner is a teacher in Bio-Science in Honours PG Scale in Bolepur Sailakala Girls High School. She wanted to have the Ph-D degree course in the relevant subject. On 23.03.2009 she has been qualified in Research Eligibility Test under Visva Bharati University. According to the requirement

of the said degree course she had to submit No Objection Certificate (NOC) from her employer. She applied before her school to obtain NOC for continuance of her PHD Degree Course on 9<sup>th</sup> of June 2012. She received the NOC and submitted to the University through proper channel on 11.06.2022. on 22.11.2013 the University issued a notice to her and said that NOC ought to be submitted within 30<sup>th</sup> September 2011. Since the petitioner submitted NOC and other relevant documents in the belated stage as such the University has regretted for her research work.

Hence the petitioner has preferred this writ petition so that the respondent may be directed to allow the petitioner to continue her PHD Degree Course and research work under Visva Bharati University.

Affidavit- in- opposition on behalf of the respondent to the writ petitioner disclosed that the petitioner had qualified in the Visva Bharati University Research Eligibility Test in Zoology which was conducted in January 27, 2009 and the validity of the said eligibility test was for a period of two (02) years from the date of publication of the result. The Ph-D Ordinance of Visva Bharati University makes it abundantly clear that the eligibility test of Visva Bharati research eligibility test is for a span of two years and not thereafter. A no objection certificate

of the employer was mandatory for in- service candidates in perusing the Ph-D degree course in the respondent's University. The petitioner was a permanent teacher in a Government aided school and could not comply with the prerequisite sinquanon condition of statement of NOC within the stipulated period. Thus, her prayer for acceptance of NOC on the later stage was recorded correctly.

Admittedly the petitioner could not submit NOC within stipulated period. The respondent's University is performing under the Rules specify therein. The University has acted according to the rule so in this case the prayer of the petitioner cannot be considered. Refusal to issue NOC in time by the school of the writ petitioner is beyond the ambit scope or obligation of the Respondent University.

The petitioner's submission regarding the demand of higher study without any actual benefit cannot be considered at the stage. If the petitioner so intends, she may prefer fresh application to obtain her PHD Degree according to the prevalent rules of the University. Thus, I find no justification to award relief to the petitioner as prayed for in the writ petition. Accordingly the writ petitioner is disposed of.

Parties to act upon the server copy and urgent certified copy of the judgment be received from the concerned Dept. on usual terms and conditions.

**(Subhendu Samanta, J.)**