

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

Present:

The Hon'ble Justice Rai Chattopadhyay

WPA 2205 of 2024

**Dr. Ashis Chakraborty
Vs.
State of West Bengal & Ors.**

For the Petitioner : Mr. Ranajit Chatterjee
: Mr. Aniruddha Mitra

For the State : Mr. Supriya Chattopadhyay, Id. AGP
: Ms. Tapati Samanta
: Mr. Arindam Ghosh

For the University : Ms. Lina Majumder

Judgment on : **05.05.2026**

Rai Chattopadhyay, J. :-

1. In the instant writ petition, the petitioner has sought for setting aside of the order dated 10th November, 2023 issued by the Joint Secretary, Department of Agriculture, Government of West Bengal. Also, directions have been sought to set aside the orders dated 12th October, 2023, 31st December, 2023 and 17th January, 2024.
2. The order dated 10th November, 2023 is for non-approval of the order of transfer of the petitioner dated October 12, 2023, by the Joint Secretary to the Government of West Bengal, the reason being the petitioner having been appointed under AICRP could have been transferred to a substantive post of transfer in the discipline of Plant Pathology under CoA, Burdwan, BCKV. The

other impugned order dated 12th October, 2023 is for making the transfer order of petitioner to the College of Agriculture, Burdwan, subject to the approval by the State Government. Vide the order dated 31st October, 2023, the petitioner's service as Officer-in-Charge of All India Co-ordinated Research Projects (AICRPs) on potatoes was voluntary. The other impugned letter dated 17th January, 2024 is to direct the petitioner to hand over charge of Officer-in-Charge, AICRP on potatoes.

- 3.** Alternatively, the petitioner has prayed for issuance of necessary direction upon the respondent authority to permit him to continue as the Officer-in-Charge of AICRP of potatoes, treating his retirement age as 65 years. The petitioner was appointed at Bidhan Chandra Krishi Viswavidyalaya (BCKV) with effect from the date of 9th November, 1994. The petitioner says that, as per his appointment letter, he was engaged as a whole-timer and terms and conditions of his service is to be governed under the provisions of Bidhan Chandra Krishi Viswavidyalaya Act, 1974 (BCKV Act, 1974).
- 4.** The petitioner was appointed initially as a Lecturer (Research in Plant Pathology). He was placed under the AICRP on tropical fruits at Pedong, Darjeeling. From there, he was transferred in the same capacity to the AICRP on Jute and Allied Fiber at Pundibari, Cooch Behar, by an order dated 13th January, 1997. By an order dated 14th March, 2001, the petitioner was promoted to Lecturer (Senior Scale). On 14th December, 2001, he was transferred to a Government sanctioned post at the Registered Research Sub-Station (RRSS) at Shekhampur. From there, he has again been transferred in the AICRP on potatoes by an order dated 17th March, 2006.
- 5.** The petitioner was promoted as the Reader (Research) with effect from 10th November, 2004 (vide order dated 27th December, 2007)

and as a Professor (Stage – V) with effect from 10th November, 2012 (vide order dated 18th February, 2021). He has been declared as a permanent staff of the University vide order dated 24th June, 2011 with effect from 10th November, 1997.

- 6.** Furthermore, the petitioner's case is that, employment in a post in the University and that in the AICRP is substantially on same terms and conditions and bears no inherent difference. He has stated in the writ petition that, pay scale/pay fixation of all AICRP scientists/teachers is done as per matching order issued by the Department of Agriculture, Government of West Bengal with concurrence of the Department of Finance, Government of West Bengal, in the same manner as for all other teachers at BCKV. The project is governed by the Rules framed by the State Government. Dearness allowance is paid as per Rules and norms of the State Government. The petitioner has stated further that, Project Scientists/staff in any AICRP are covered by the BCRB Rules framed by the State Government applicable to the persons employed in the University. He, similarly as the other Scientists/teachers in AICRPs has contributed towards GPF at the same rate as applicable to all the teachers and staff of the University itself.
- 7.** According to the petitioner, the teachers/Scientists of AICRPs are also enjoying same benefit of Career Advancement Scheme as per statute of the University, for promotion from the post of Assistant Professor to Associate Professor and from Associate Professor to Professor – in a similar manner like the other teachers who are attached to the other Departments of the University. The petitioner, as the teacher engaged with AICRP, has been granted to revised pay fixation flowing from the benefits under Career Advancement Scheme and promotion from time to time.

- 8.** The petitioner has further put forth the fact that, in terms of order dated 25th June, 2007, the retirement age of ICAR (that is, the parent body) Scientists is 62 years. Though, initially, the Scientists in West Bengal were to retire at 60 years of age as per Rules, subsequently, vide an order dated 5th June, 2017, such age of retirement was enhanced for the Scientists to 62 years. Further, vide Government Order No. 2030 of 20th May, 2021, the retirement age of teachers of a State aided Agricultural University was enhanced from 62 to 65. As the Government Order has been duly adopted by the BCKV by dint of a matching order dated 8th July, 2021. Consequently in 2021, the BCKV Act, 1974 has also been amended.
- 9.** The petitioner is aggrieved that the respondent authorities are not agreeable to allow the enhanced age of superannuation in case of the petitioner, he being a Scientist engaged in one of the several AICRPs of the University, though according to the petitioner, the AICRPs are permanent in nature and hardly differs as regards the terms and conditions of service with that of the employees engaged with the University. The petitioner has stressed sufficiently on the fact that even during his employment, he himself has been transferred from the project to the regular post in the University. In that view of the matter and the other terms and conditions being exactly similar to that of the regular teachers of the University the petitioner has sought for the benefit in terms of G.O. No. 2030 dated 20th May, 2021 by treating his retirement age to be 65 years instead of 62 years. Therefore, he has expressed grievance that, his prayer for transfer has been unauthorizedly arbitrarily and illegally turned down by the respondent authority.
- 10.** Alternatively, the petitioner has prayed for that, his superannuation age be treated similarly and regular teachers of University to be 65 years in spite of his being posted in a AICRP by

application of the Government Order No. 2030 dated 20th May, 2021.

11. By ding of an order dated 12th October, 2023, the petitioner was transferred as the Professor at Department of Plant Pathology under the College of Agriculture, Burdwan, subject to approval of the State Government. According to him, no such approval of the State Government would be required under the statute governing his terms of employment to give effect to his transfer. He says that, it is only a collateral transfer process and is at the disposal of the University itself in terms of the statute and Rules. Later on 31st October, 2023, further order has been issued directing the petitioner to continue to serve as the Officer-in-Charge, AICRP on potatoes for 3 months with effect from 1st November, 2023 or till the time of receiving approval from the State Government. On 17th January, 2024 an order has been issued by the Vice Chancellor of BCKV, relieving the petitioner from the responsibility of the Officer-in-Charge of AICRP on potatoes and informing further that the transfer application of the petitioner dated 17th July, 2023 has been disallowed by the Government by order dated 10th November, 2023. Hence, all these orders have been challenged by the petitioner in the instant writ petition which he has sought to be set aside.

12. Mr. Ranajit Chatterjee, learned advocate for the writ petitioner has referred to section 2(16) of the BCKV Act, 1974. For benefit of the discussion let the same be reproduced hereinbelow:

i. "2(16) "teacher" means a person appointed or recognised by the University for the purpose of imparting instruction or conducting and guiding research or extension programmes and includes any other person who may be declared by Statutes to be a teacher;"

- 13.** Mr. Chatterjee, learned advocate has submitted that the statute has specified three fold activities of a ‘teacher’. Those are research, teaching and extension. He says that the duty discharged by the petitioner in the project of the university, duly falls within the four corners of the definition as provided in the statute. Also, that considering terms and conditions of his employment, which categorically resemble with that of the approved teachers in the university, no distinction can be made in his case while extending benefit under the government notification, in favour of the said petitioner.
- 14.** Mr. Chatterjee has made two fold submissions. He has put forth the petitioner’s grievance as against letters issued by the respondent authority dated 12th October 2023 and 17th January 2024, the principal contention where of is with regard to requirement of permission/concurrence of the State, to finally give effect to the transfer order passed by the University in response to the application of the petitioner dated 17th July 2023, seeking transfer from AICRP to a department at the University. In this regard Mr. Chatterjee has placed sufficient reliance on the statutory provision under section 33 of the BCKV Act 1974. Specifically, on the basis of section 33A thereof, it has been submitted that the respondent has misinterpreted and misled itself to properly understand the said provision. He has elaborated that in case of a sanctioned post, like the one to which the petitioner has sought to be transferred to, neither the provision under section 33A of the Act of 1974, should be considered to be as a restricting provision nor the proviso thereof should be considered as applicable.
- 15.** With reference to the letter of the BCKV dated 14th December, 2001, it has been further submitted that the petitioner has duly

served in a substantive post under the university from 2001 to 2006, by virtue of the order of the authority, which clearly transpires that there is no restriction under the law for a 'Teacher', discharging duty at AICRP to be, normally and collateral transferred to the department in the university without requiring any permission/concurrence from the State. Mr. Chatterjee has also relied on the provisions under sections 11(s) and 33B of the Act of 1974, in support of his argument.

"11. Powers and functions of the Executive Council - (1) The Executive Council shall exercise the following powers and perform the following functions, namely:-

(s) to sanction the increase of pay, allowances or any financial benefit to any employee of the University with the prior approval of the State Government."

"33B. Retirement of teachers - Every teacher of the University or any college who is in receipt of pay in the revised scale shall retire from service on attaining the age of sixty years"

- 16.** His other contention is that in case of a sanctioned post, for which approval of the State authority is already there to employ/post an eligible person over there, at the time of the sanction of the post. It is argued that therefore no further approval of the State is necessary, for the petitioner, who is otherwise eligible for the said post, to be placed on transfer to the said sanctioned post. It is submitted that BCKV is an autonomous institution which is authorised and empowered to take independent decisions with respect to its administration, management, and functioning,

subject to availability of the sanctioned posts and/or regular vacancies, in terms of the statutory provision.

17. Mr. Chatterjee has strongly relied on the ratio decided in the judgments as mentioned below for the respective proposition which he has argued in this case:-

i) ***State of Punjab And Another Vs. Sardari Lal and Others*** reported at ***(2003) 10 SCC 253***

- Merely because University is govt funded, Govt. not empowered to interfere and/or control expenditure by University or service conditions of its employees.

ii) ***Haryana State Cooperative Land Development Bank Ltd. Vs. Haryana State Cooperative Land Development Banks Employees Union and Another*** reported at ***(2004) 1 SCC 574***

- Interpretation of "Proviso" in a Statute.

iii) ***M/s Frick India Ltd Vs. Union of India And Others*** reported at ***(1990) 1 SCC 400***

- "Heading" of a Statute – how to be interpreted.

iv) ***P.C. Modi Vs. Jawaharlal Nehru Vishwa Vidyalaya and Another*** reported at ***2023 SCC OnLine SC 1664***

- Definition of "Teacher" in Agricultural Universities.

v) ***Dr. Raj Kumar Singh Vs. Secretary, Department of Agriculture and Farmers Welfare, Government of Uttarakhand, Dehradun & Others*** dated ***April 15, 2024*** in ***Writ Petition (S/B) No. 327 of 2023***

- Personnel engaged in research/extension work in AICRP under ICAR have to be treated as teachers.

18. The BCKV/University, has been represented by Ms. Lina Majumder. It has been contended that the teaching and non-teaching staff members for the various AICRPs have been recruited through the selection process undertaken by following the provisions of the BCKV Act, 1974. It has further been stated that the members of the State government authorities took active part in the executive council meeting of the university. That, in no such meetings held by the executive council of the university where the State government authorities have taken part, any question or objection was ever raised with regard to the issue regarding transfer of teachers/scientist and non-teaching staff members from the AICRPs to the main establishment of the university, whenever any such issue has come up for discussion and decision in the meeting. As a result, those issues have always been allowed in the meetings of the executive council of the university unanimously by adopting appropriate resolutions. On all subsequent occasions, whenever a new executive council has taken charge, such decision has never been unsettled, but confirmed by the subsequent council too. It is submitted that in this way the issue of transfer of teachers/ scientists engaged at the AICRPs under the said university to the main establishment of the university has become a custom by itself and the same practice is still in existence and being continued with.

19. The University has further contended that the recruitment to the post of teachers and non-teaching staff of the university has not been done for a fairly long period of time. In such circumstance, the university says that it is in the best interest for the students of the university that teachers and non-teaching staff members from the AICRPs be transferred to the university, so that the regular course of teaching may not be disrupted due to one of adequate

manpower. It has been submitted that this arrangement is too fault beneficial for the university itself. Firstly, that the experienced teachers having practical research and field exposure would be available for the students to learn from, which is always a beneficial and enriching aspect for a student. Secondly, that the sanctioned vacant posts of the university can be filled by way of appointing teachers on transfer from the AICRPs. By this way the respondent/BCKV University has supported the petitioner's plea.

- 20.** State is the principal objector in this case. The State is represented by Mr. Supriya Chattopadhyay, learned AGP. It is submitted that, initial appointment of the petitioner by the then Vice Chancellor of BCKV on 9th November, 1994 as a Lecturer (Research in Plant Pathology) was temporary in nature, in one of the projects of AICRP at Pedong, Darjeeling, without any sanction from the State Government. That, the said post was purely temporary and was quo terminus with the life of the project itself. The petitioner was declared as permanent employee of the said university with effect from 10th November, 1997, by an order of the Vice Chancellor vide memo dated 24th June, 2011 issued by the Registrar of the University (Paragraph 5(iv) of the affidavit-in-opposition filed by the respondent No. 1). According to the state respondent, the petitioner's appointment was in violation of the provisions of the BCKV Act, 1974; particularly that, as enumerated under Section 33A thereof. Mr. Chattopadhyay, learned advocate has submitted that, as per Section 33A (iv) of the Act of 1974, the University could not have appointed any person without prior sanction of the State Government. It is also stated that, as per Section 11 (s) of the said Act, the Executive Council of the University has power to sanction increase in pay and allowance or any other financial benefit to an employee of the University, with prior approval of the State Government. According to the State respondent, neither

there was any prior sanction of the State Government before appointment of the present petitioner nor there was any prior approval as regards the financial stake undertaken by the University by binding the writ petitioner.

- 21.** The State has relied on two notifications dated 22nd June, 2016 and 16th December, 2019 respectively to buttress its argument that prior permission is an unavoidable and mandatory requirement of the University as regards appointment, promotion and absorption of any teacher or non-teaching staff in the University. That otherwise, in accordance with the said notifications the financial responsibility is vested completely with the University itself and the State bears no liability with regard to that.
- 22.** It is further submitted that, on the proposal of the University, the State Government creates posts of teachers, officers and non-teaching staff of the University, with concurrence of the Finance Department of the State Government. That, as per Section 11 (c) of the BCKV Act, 1974, the Executive Council of the University is empowered to extend financial and promotional benefit to its regular employees but only with prior approval of the State Government. That, the Executive Council of the University has power to take a decision with regard to AICRPs but such decision of the Executive Council has no binding effect upon the State Government. That, the State Government gives approval for recruitment of regular teachers in the University as per Section 33A of the Act of 1974 as and when required. However, it is submitted further that, with regard to recruitment in AICRPs, no approval of State Government would be necessary.
- 23.** The State has denied that, any matching order has ever been issued by the State in case of recruitment of teachers/non-teaching staff in AICRP. It is submitted that, the Government

issues matching order only for the regular employees of the University, who are appointed in terms of Section 33A of the Act of 1974. It is further submitted that, with regard to recruitment in AICRP, no approval of State Government is either required be issued or has ever been issued till this date.

24. As regards, the petitioner's claim of applicability of DCRB Rules with the Government in his case the said fact has been denied by the State respondent. The State respondent submits that, only those AICRP Scientists/staff are covered by the DCRB Rules of the Government, whose appointments are approved by the State Government. A Scheme namely, West Bengal State aided Universities (Death cum Retirement Benefit) Scheme, 1999 (vide notification No. 85-edn(u) dated 31st January, 2000, with effect from 1st May, 1999) has been referred to. It is submitted that, the said Scheme of 1999 covers all the teachers, officers and non-teaching employees of numerous State-aided Universities including BCKV, who have been appointed on whole time basis against the posts and scales approved by the State Government from time to time. The order dated 24th November 1998 which the petitioner has relied on, has been disputed by the State respondent, stating that the same has no binding effect upon the State Government and the said order is misleading and false in nature.

25. For the respondent, the following two judgments have been relied on:-

*i) **Bikash Kumar Bhattacharyya Vs. The State of West Bengal & Ors.** dated **March 15, 2023** in writ petition No. **WPA 27655 of 2022,***

*ii) **Pradip Kumar Das Vs. The State of West Bengal & Ors.** dated **March 07, 2024** in writ petition No. **WPA 25958 of 2022.***

- 26.** In the case of **Pradip Kumar Das (supra)**, this Court has observed that, placement of an employee in a substantive post tantamounts to portray him as regular employee in a fraudulent manner. Similar proposition has been upheld in the other judgment of **Bikash Kumar Bhattacharyya (supra)** as referred to by the respondent authority.
- 27.** It has been submitted that, the benefit of enhanced retirement age pursuant to the Notification No. – 2030-End/AG/O/3E(u)-01/2017 (Pt. I) dated 20th May, 2021 would be applicable only to the full time regular teachers and other regular employees of the said University, who are in receipt of State Government’s notified scale of pay and holding a substantive post in the said University. The petitioner not having held a substantive and approved post and not receiving any scale of pay of the Government, is not entitled to be covered under provision of the said notification. The State has submitted that, any decision taken by the Executive Council of the BCKV is not binding upon the State in respect of appointment, transfer, creation of any post, where prior approval of the Government though was necessary but has not been obtained, in terms of Section 33A of the BCKV Act, 1974. In this way, according to the State respondent, the prayer of the petitioner is not a legible one to be considered favourably that being in violation of the statute. Hence, the State respondent has insisted that the writ petition may be dismissed.
- 28.** The All India Co-ordinated Research Projects (AICRPs) constitute a centrally conceived and nationally coordinated framework of agricultural research under the aegis of the Indian Council of Agricultural Research (ICAR), implemented through State Agricultural Universities such as Bidhan Chandra Krishi Viswavidyalaya (BCKV), with the concurrence and financial participation of the State. The relationship is thus tripartite in

effect: ICAR acts as the nodal and affiliating authority formulating and sanctioning projects and providing 75% of the funding; BCKV functions as the implementing academic and research institution; and the State Government, though not always a formal signatory to the Memorandum of Understanding (MoU), accords necessary approval and bears the remaining 25% of the expenditure, particularly towards salaries and contingencies, thereby enabling execution of the projects within the State framework.

- 29.** The methodology by which the MoU is given effect reflects an integrated administrative process. Upon ICAR sanctioning an AICRP along with posts and financial outlay, BCKV, through its Executive Council, considers and accepts the proposal, subject to approval or no-objection from the State Government. The MoU between ICAR and BCKV then governs the operational modalities, including funding pattern, research objectives, and implementation conditions. Posts created under AICRPs are treated as posts of the University upon such approval, and recruitment is undertaken not through a separate project-specific mechanism but in accordance with the BCKV Act, 1974 and its Statutes, following the same selection procedures as for regular university appointments. Personnel so recruited may be deployed in AICRPs to carry forward the research mandate, and the projects are executed in alignment with both ICAR guidelines and the statutory framework of the University, with financial flows routed in accordance with the 75:25 sharing arrangement.
- 30.** As regards the terms and conditions of service of teachers and staff engaged in AICRPs, the combined reading shows that, notwithstanding the project-based origin of funding, their service conditions are substantially governed by the statutory regime of BCKV and the rules of the State Government. They are treated as regular “teachers” or staff of the University, their appointments

being subject to the BCKV Act, Statutes, Ordinances, and resolutions, and their pay, promotions (including Career Advancement Scheme), retirement benefits, and other service conditions being regulated in parity with other university employees under State Government norms. While one perspective emphasizes the temporary and project-linked nature of initial appointments in the absence of State sanction, the consistent practice reflected in the University and petitioner materials indicates absorption into the regular institutional framework, with benefits such as confirmation, pensionary coverage, and service continuity being extended, subject to approval and funding support from the State, thereby blurring the distinction between project staff and regular university employees in practical terms.

- 31.** At the heart of the present controversy lies a doctrinal tension between *formal statutory status* and *functional or equitable assimilation*. The petitioner's case rests substantially on the latter—namely, that having been appointed through a procedure akin to that prescribed under the Bidhan Chandra Krishi Viswavidyalaya Act, 1974, having enjoyed parity in pay, promotion, and service benefits, and having at one stage been deployed within the mainstream establishment, he ought to be treated as a “teacher” of the University for all purposes. It is to be tested if such contention of the writ petitioner is at all sustainable or not.
- 32.** First, the determinative factor is not the *similarity of conditions of service*, but the *source and character of appointment*. Section 33A of the Act of 1974 embodies a mandatory statutory control over appointments to posts borne on the University establishment, requiring prior approval of the State Government. This provision is not merely procedural but goes to the root of the validity and status of an appointment. The doctrinal principle applicable here

is that where a statute prescribes a particular mode of doing a thing, it must be done in that manner or not at all [**Taylor vs Taylor** reported in **(1875) 1 Ch. D. 426**]. Any appointment dehors or independent of such statutory sanction cannot confer the legal status attached to a post under the Act.

- 33.** Insofar as the petitioner's contention that Section 33A, particularly its proviso, in the BCKV Act, 1974, has been misinterpreted by the State is concerned, this Court is unable to accept such submission. The argument proceeds on the premise that once a post stands sanctioned, any subsequent placement or transfer thereto would not attract the rigour of prior approval under Section 33A. This construction, however, overlooks the distinction between sanction of a post and appointment to a post. Section 33A of the Act operates at the stage of induction of a person into the University establishment and mandates prior approval of the State Government not merely for creation of posts but for appointments thereto, thereby ensuring fiscal and administrative control. The proviso cannot be read in isolation so as to dilute the substantive requirement; rather, it must be construed as an exception of limited application, not as a device to bypass the statutory mandate. Accepting the petitioner's interpretation would, in effect, render the main provision otiose and permit indirect absorption into the regular establishment without compliance with statutory safeguards. Such an interpretation would be contrary to the settled principle that a proviso cannot be so construed as to defeat the very object of the parent provision. Hence, the plea of misinterpretation of Section 33A of the Act and its proviso is devoid of merit.
- 34.** In the present case, even if the petitioner's initial engagement followed a selection process similar to that under the Act of 1974, the material distinction remains that such appointment was to an

AICRP post—whose creation, continuation, and funding are governed by a distinct institutional framework involving the Indian Council of Agricultural Research (ICAR). The absence of prior State sanction, as contemplated under Section 33A, disentitles the petitioner from claiming the status of a regular teacher under the University establishment.

- 35.** Further, the doctrinal distinction between “institutional control” and “project affiliation” in the context of the instant writ petition is unavoidable to be taken into judicial notice. The AICRP framework, as evident from the records, constitutes a *centrally coordinated research mechanism*, with a tripartite arrangement involving ICAR, the University, and the State. While the University acts as an implementing agency, the projects retain a degree of autonomy in terms of their origin, funding pattern, and functional objectives. Thus, AICRP cannot be equated with the core administrative structure of BCKV. Applying the principle of separate legal identity of funding and administrative streams, it follows that employees engaged under AICRP cannot ipso facto be treated as employees of the University in the strict statutory sense. The mere fact that the University executes the project or that its Executive Council participates in decision-making does not obliterate this distinction. Functional integration does not imply legal absorption.
- 36.** The petitioner’s reliance on parity of benefits—such as pay scales, Career Advancement Scheme, and Provident Fund contributions—cannot override statutory limitations. It is a settled principle that there can be no estoppel against statute. Even if, in practice, the petitioner was extended benefits similar to regular teachers, such administrative actions cannot confer a legal status contrary to the statutory framework. The extension of benefits may at best reflect administrative convenience or policy alignment, but does not alter the underlying character of the post. The petitioner’s argument

founded on past transfer to the main establishment or the possibility of such transfer must also fail for the reasons as discussed herein after. A transfer presupposes movement within the same cadre or establishment. Where two posts belong to distinct legal regimes, a movement from one to another partakes the character, not of transfer but of fresh appointment or absorption, which necessarily attracts the requirements of Section 33A of the BCKV Act, 1974. In the absence of compliance with such statutory mandate, no vested right can accrue in favour of the petitioner. Past practice or resolutions of the Executive Council also cannot be held to prevail over statutory requirements. Any administrative practice, however longstanding, has been and is compelled to be ineffective, if it is inconsistent with the parent statute. Therefore, even if transfers from AICRP to the University establishment were previously effected without State approval, such practice cannot create any enforceable right.

- 37.** Finally, the definition of “teacher” under Section 2(16), though broad, cannot be read in isolation. It must be harmonised with Section 33A and other provisions governing appointment and service conditions. The principle of harmonious construction mandates that a person can be recognised as a “teacher” of the University only if appointed in accordance with the statutory scheme governing such posts. Functional similarity in duties—research, teaching, or extension—does not suffice in the absence of statutory compliance.
- 38.** Accordingly the writ petitioner, notwithstanding his appointment through a similar procedure and enjoyment of analogous service benefits, cannot be treated as a “teacher” under BCKV within the meaning of the Act of 1974, in the absence of appointment to a State-sanctioned post in compliance with Section 33A of the said Act. It is found that the AICRP framework constitutes a distinct

and independent administrative and funding structure, and engagement therein does not automatically confer status within the University's regular establishment. Any transfer from AICRP to the main establishment would amount to a fresh induction requiring adherence to statutory requirements, including prior approval of the State Government. Benefits extended in practice cannot override statutory provisions, nor can past administrative practices create enforceable rights contrary to law.

- 39.** Hence, on the basis of the discussion as made above, the petitioners grounds and prayer are found not to be sustainable and the writ petition to be meritless.
- 40.** The writ petition No. WPA 2205 of 2024 is dismissed.
- 41.** Urgent certified copy of this judgment, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Rai Chattopadhyay, J.)