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**HIGH COURT OF CHHATTISGARH, BILASPUR****WPS No. 1452 of 2015**

1. Khemchand Sahu S/o Shri Ghasiya Ram Sahu Aged About 49 years  
Occupation- Veterinary Attendant, Office of Joint Director, Veterinary Services, Raipur, P.S. Raipur, District Raipur, (Chhattisgarh)
2. Kamta Prasad Sahu S/o Shri Ishwar Ram Sahu Aged About 56 Years  
Occupation Veterinary Attendant, Office Of Joint Director, Veterinary Services, Raipur, P.S. Raipur, Tehsil & District Raipur, (Chhattisgarh)
3. Dakeshwar Singh Rajput S/o Shri Bhagirathi Singh Rajput Aged About 48 Years  
Occupation Veterinary Attendant, Office Of Joint Director, Veterinary Services, Baloda Bazar, P.S. Baloda Bazar, Tehsil & District Baloda Bazar-Bhatapara, (Chhattisgarh)
4. Balkaran Sahu S/o Shri Punu Ram Sahu Aged About 46 Years  
Occupation Veterinary Attendant, Working At Veterinary Hospital, Bhaisa (Arang), P.S. Arang, Tahsil Arang, District Raipur, (Chhattisgarh)
5. Sadhrai Banarsi S/o Late Shri Dakhan Banarsi, Aged About 49 Years  
Occupation Veterinary Attendant, Sub Centre Dondekala, P.S. Dharsiwa, Tahsil & District Raipur, (Chhattisgarh)
6. Hariprasad Sahu S/o Late Shri Khamhan Lal Sahu Aged About 52 Years  
Occupation Veterinary Attendant, Office Of Joint Director, Veterinary Services Raipur, P.S. Raipur, Tahsil & District Raipur, (Chhattisgarh)

**---- Petitioners****Versus**

1. State Of Chhattisgarh Through Its Secretary, Agriculture Animal Husbandry Development Department, Mahanadi Bhawan, Secretariat, New Raipur, District Raipur, (Chhattisgarh)
2. The Director, Directorate Of Veterinary Services Indrawati Bhawan, Block III, Ground Floor, Naya Raipur, Tahsil & District Raipur, (Chhattisgarh)
3. Chhattisgarh Kamdhenu University, Anjora, Durg, Camp Office, Dairy Technology College, Raipur, (Chhattisgarh)
4. The Registrar, Chhattisgarh Kamdhenu University, Anjora, Durg, District Durg, (Chhattisgarh)

**---- Respondents****And****WPS No. 1690 Of 2015**

1. Dani Das Sonwani S/o Late Shri Sukhdas Sonwani Aged About 51 years  
Occupation-Vaccinator, Office of Joint Director, Veterinary Services, Raipur  
P.S. Raipur, Tehsil & District Raipur Chhattisgarh
2. K K Meshram S/o Late Shri Sundarlal Meshram Aged About 47 Years  
Occupation- Veterinary Hospital, Kurud, Dhamtari, P.S. Kurud, Tehsil &  
District Dhamtari Chhattisgarh

---- **Petitioners**

**Vs**

1. State of Chhattisgarh Through: Its Secretary Agriculture, Animal Husbandry  
Development Department, Mahanadi Bhawan, Secretariat, New Raipur  
District Raipur Chhattisgarh
2. The Director, Directorate Of Veterinary Services Indrawati Bhawan, Block III,  
Ground Floor, Naya Raipur, Tahsil & District Raipur Chhattisgarh
3. Chhattisgarh Kamdhenu University Anjora, Durg, Camp Office Dairy  
Technology College Raipur Chhattisgarh
4. The Registrar, Chhattisgarh Kamdhenu University Anjora, Durg District Durg  
Chhattisgarh

---- **Respondents**

**And**

**WPS No. 1500 Of 2015**

1. Rajesh Deshmukh S/o Late Shri Shivilal Deshmukh Aged About 47 years  
Occupation Veterinary Attendant Artificial Insemination Centre, Matka,  
Distt. Bemetara, P.S. Bemetara Tehsil & District Bemetara Chhattisgarh
2. Ashok Kumar Sarthi S/o Late Shri Baliram Sarthi Aged About 47 Years  
Occupation Veterinary Attendant, Artificial Insemination Sub - Centre,  
Kanteli, Bemetara P.S. Bemetara, Tehsil & District Bemetara Chhattisgarh
3. Khemraj Deshmukh S/o Late Shri Sarjuram Deshmukh Aged About 48  
Years Occupation Veterinary Attendant, Veterinary Hospital Sikosa,  
Gunderdehi, P.S. Gunderdehi, Tehsil & District Balod Chhattisgarh
4. Genduram Sinha S/o Shri Ankalu Ram Sinha Aged About 51 Years  
Occupation Veterinary Attendant, Posted At Veterinary Hospital Mahud B  
Gunderdehi Office Of Joint Director Balod P.S. Tahsil Balod District Balod  
Chhattisgarh
5. Derha Ram Sahu S/o Shri Sundar Lal Sahu Aged About 50 Years  
Occupation Veterinary Attendant, Veterinary Hospital, Pasada, P.S.  
Parsada, Balod, Tahsil & District Balod Chhattisgarh

---- **Petitioners**

**Vs**

1. State Of Chhattisgarh Through Its Secretary, Agriculture, Animal Husbandry Development Department, Mahanadi Bhawan, Secretariat, New Raipur, District Raipur Chhattisgarh
2. The Director, Directorate Of Veterinary Services Indrawati Bhawan, Block III, Ground Floor Naya Raipur, Tahsil & District Raipur Chhattisgarh
3. Chhattisgarh Kamdhenu University Anjora Durg, Camp Office Dairy Technology College Raipur Chhattisgarh
4. The Registrar, Chhattisgarh Kamdhenu University Anjora Durg, District Durg Chhattisgarh

**---- Respondents**

**And**

**WPS No. 1704 Of 2015**

1. Gulabdas Sahu, S/o Shri Ramhauram Sahu Aged About 47 years Occupation- Veterinary Attendant, Veterinary Hospital Badratola, Post Churria, P.S. Churria, Tehsil & District Rajnandgaon Chhattisgarh
2. Tosh Das Patel S/o Shri Manglu Patel Aged About 45 Years Occupation- Veterinary Attendant, Veterinary Hospital Mukhya Gram Ekai- Dhara Tehsil Dongargarh, P.S. Dongargarh, Tehsil & District Rajnandgaon Chhattisgarh
3. Ramkumar Banjare S/o Shri Dhanadas Banjare Aged About 47 Years, Occupation- Veterinary Attendant, Artificial Insemination Sub-Centre, Khisora, P.S. Dhamtari Tehsil & District Dhamtari Chhattisgarh
4. Ramkishan Kachlam S/o Late Shri Mukhauram Kachlam Aged About 46 Years Occupation- Veterinary Attendant Veterinary Hospital Batrel, Patan, P.S. Patan, Tahsil & District Durg Chhattisgarh

**---- Petitioners**

**Vs**

1. State Of Chhattisgarh Through Its Secretary, Agriculture, Animal Husbandry Development Department, Mahanadi Bhawan Secretariat, New Raipur District Raipur Chhattisgarh
2. The Director, Directorate Of Veterinary Services Indrawati Bhawan, Block III, Ground Floor, Naya Raipur Tahsil & District Raipur Chhattisgarh
3. Chhattisgarh Kamdhenu University Anjora, Durg Camp Office Dairy Technology College Raipur Chhattisgarh
4. The Registrar, Chhattisgarh Kamdhenu University, Anjora, Durg District Durg Chhattisgarh

---- Respondents

And

**WPS No. 1511 Of 2015**

1. Mukesh Kurre S/o Late Shri Kunj Bihari Kurre, Aged About 38 years Occupation Veterinary Attendant, Pouwara, Durg, P.S. Durg, Tehsil & District Durg, (Chhattisgarh)
2. Abdul Kalim Quraishi S/o Late Shri A A Quraishi, Aged About 45 Years Occupation Veterinary Attendant, Veterinary Hospital, Post Maro, Block Nawagarh, Bemetara, P.S. Nawagarh, Tehsil & District Bemetara, (Chhattisgarh)
3. Khileshwar Prasad Sahu S/o Late Shri Devendra Kumar Sahu Aged About 27 Years Occupation Veterinary Attendant, Artificial Insemination Sub-Centre, Badikareli, P.S. Dhamtari, Tehsil & District Dhamtari (Chhattisgarh)
4. Premlal Sahu S/o Shri Shatrughan Sahu Aged About 35 Years Occupation Veterinary Attendant, Posted At Veterinary Hospital, Mukhya Gram Ekai, Soram, Dhamtari, P.S. Dhamtari, Tahsil Dhamtari, District-Dhamtari (Chhattisgarh)

---- Petitioners

**Vs**

1. State Of Chhattisgarh Through Its Secretary, Agriculture, Animal Husbandry Development Department, Mahanadi Bhawan, Secretariat, New Raipur, District Raipur, (Chhattisgarh)
2. The Director, Directorate Of Veterinary Services Indrawati Bhawan, Block III, Ground Floor, Naya Raipur, Tahsil & District Raipur, (Chhattisgarh)
3. Chhattisgarh Kamdhenu University, Anjora, Durg, Camp Office- Dairy Technology College, Raipur, (Chhattisgarh)
4. The Registrar, Chhattisgarh Kamdhenu University, Anjora, Durg, District Durg, (Chhattisgarh)

---- Respondents

And

**WPS No. 1524 Of 2015**

- Banshilal Patel S/o Shri Dewaprasad Patel Aged About 53 years Occupation Veterinary Attendant, Veterinary Hospital, Birod, Block Dhamdha, Tahsil Dhamdha, District Durg, (Chhattisgarh)

---- Petitioner

**Vs**

1. State Of Chhattisgarh Through Its Secretary, Agriculture, Animal Husbandry Development Department, Mahanadi Bhawan, Secretariat, New Raipur, District Raipur, (Chhattisgarh)
2. The Director, Directorate Of Veterinary Services Indrawati Bhawan, Block III, Ground Floor, Naya Raipur, Tahsil & District Raipur, (Chhattisgarh)
3. Chhattisgarh Kamdhenu University, Anjora, Durg, Camp Office- Dairy Technology College, Raipur, (Chhattisgarh)
4. The Registrar, Chhattisgarh Kamdhenu University, Anjora, Durg, District Durg, (Chhattisgarh)

**---- Respondents**

**And**

**WPS No. 1648 Of 2015**

1. Hiralal Baghel S/o Shri Harinath Baghel Aged About 46 years Occupation- Vaccinator, Mobile Veterinary Hospital Unit, Dantewada, P.S. - Dantewada, Tehsil & District- Dantewada (Chhattisgarh)
2. Kamta Prasad Sinha S/o Late Shri Manglu Ram Sinha Aged About 52 Years Occupation- Vaccinator, Mobile Veterinary Hospital Unit, Dantewada, P.S.- Dantewada, Tehsil & District - Dantewada (Chhattisgarh)
3. Manish Khare S/o Late Shri Umesh Chandra Khare Aged About 49 Years Occupation- Vaccinator, Veterinary Hospital, Antagarh, Distt- North Bastar, Kanker, P.S.- North Kanker, Tehsil & Distt- North Bastar, Kanker (Chhattisgarh)

**---- Petitioners**

**Vs**

1. State Of Chhattisgarh Through : Its Secretary, Agriculture, Animal Husbandry Development Department, Mahanadi Bhawan, Secretariat, New Raipur, District- Raipur (Chhattisgarh)
2. The Director, Directorate Of Veterinary Services Indrawati Bhawan, Block III, Ground Floor, Naya Raipur, Tahsil & District Raipur (Chhattisgarh)
3. Chhattisgarh Kamdhenu University, Anjora, Durg, Camp Office- Dairy Technology College, Raipur (Chhattisgarh)
4. The Registrar, Chhattisgarh Kamdhenu University, Anjora, Durg, District Durg (Chhattisgarh)

**---- Respondents**

**And**

**WPS No. 1647 Of 2015**

1. Horilal Yadav S/o Late Shri Narottam Yadav Aged About 34 years  
Occupation- Veterinary Attendant, Artificial Insemination Centre,  
Barhemkela, Raigarh, P.S.- Barhamkela, Tehsil & District - Raigarh  
(Chhattisgarh)
2. Shrawan Kumar Sao S/o Late Shri Gajanan Prasad Sao Aged About 32  
Years Occupation- Veterinary Attendant, Artificial Insemination Centre,  
Raigarh, P.S. - Raigarh, Tehsil & District- Raigarh (Chhattisgarh)
3. Chandrashekhar Sahu S/o Late Shri Jitan Prasad Sahu Aged About 40  
Years Occupation- Veterinary Attendant, Artificial Insemination Sub-Centre,  
Padigaon, P.S. Padigaon, Tehsil & District- Raigarh (Chhattisgarh)
4. Yashoda Nag W/o Late Shri Bandhan Ram Nag Aged About 40 Years  
Occupation- Veterinary Attendant, Posted At- Deputy Director, Veterinary  
Services, Raigarh, P.S.- Raigarh, Tehsil & District- Raigarh (Chhattisgarh)

**---- Petitioners**

**Vs**

1. State Of Chhattisgarh Through : Its Secretary, Agriculture, Animal  
Husbandry Development Department, Mahanadi Bhawan, Secretariat, New  
Raipur, District- Raipur (Chhattisgarh)
2. The Director, Directorate Of Veterinary Services Indrawati Bhawan, Block III,  
Ground Floor, Naya Raipur, Tehsil & District Raipur (Chhattisgarh)
3. Chhattisgarh Kamdhenu University, Anjora, Durg, Camp Office- Dairy  
Technology College, Raipur (Chhattisgarh)
4. The Registrar, Chhattisgarh Kamdhenu University , Anjora, Durg, District  
Durg (Chhattisgarh)

**---- Respondents**

**And**

**WPS No. 1840 Of 2015**

1. Gajendra Kumar Yadav, S/o Late Shri Paltan Ram Yadav Aged About 27  
years Occupation Veterinary Attendant, Govt. Veterinary Hospital,  
Dilapehri, Rajnandgaon, P.S. Rajnandgaon, District Rajnandgaon,  
(Chhattisgarh)
2. Nand Kumar Dubey S/o Late Shri LokuPrasad Dubey Aged About 25 Years  
Occupation Veterinary Attendant, Veterinary Hospital, Joba, Mahasamund,  
P.S. Mahasamund, Tehsil & District Mahasamund, (Chhattisgarh)
3. Joginder Singh Manhare S/o Late Shri Kapoor Chand Manhare, Aged About  
25 Years Occupation Veterinary Attendant, District Veterinary Hospital,  
Mahasamund, P.S. Mahasamund, Tehsil & District Mahasamund,  
(Chhattisgarh)

**---- Petitioners**

**Vs**

1. State Of Chhattisgarh Through Its Secretary, Agriculture, Animal Husbandry Development Department, Mahandai Bhawan, Secretariat, New Raipur, District Raipur, (Chhattisgarh)
2. The Director, Directorate Of Veterinary Services Indrawati Bhawan, Block III, Ground Floor, Naya Raipur, Tahsil & District Raipur, (Chhattisgarh)
3. Chhattisgarh Kamdhenu University, Anjora, Durg, Camp Office- Dairy Technology College, Raipur, (Chhattisgarh)
4. The Registrar, Chhattisgarh Kamdhenu University, Anjora, Durg, District Durg, (Chhattisgarh)

**---- Respondents**

**And**

**WPS No. 1844 Of 2015**

1. Bhushan Lal Dewangan S/o Shri Shiv Prasad Dewangan Aged About 40 years Occupation- Veterinary Attendant, Veterinary Hospital, Pithora, P.S. Mahasamund, Tehsil & District- Mahasamund (Chhattisgarh)
2. Churaman Sahu S/o Late Shri Bisoha Ram Sahu Aged About 40 Years Occupation- Veterinary Attendant, office Of Deputy Director, Veterinary Services, Mahasamund, P.S. Mahasamund, Tehsil & District- Mahasamund (Chhattisgarh)
3. Bhekram Patel S/o Shri Ishwari Prasad Patel Aged About 49 Years Occupation- Vaccinator, Office Of Deputy Director, Veterinary Services, Mahasamund, P.S. Mahasamund, Tehsil & District- Mahasamund (Chhattisgarh)

**---- Petitioners**

**Vs**

1. State Of Chhattisgarh Through : Its Secretary, Agriculture, Animal Husbandry Development Department, Mahanadi Bhawan, Secretariat, New Raipur, District- Raipur (Chhattisgarh)
2. The Director, Directorate Of Veterinary Services Indrawati Bhawan, Block III, Ground Floor, Naya Raipur, Tahsil & District Raipur (Chhattisgarh)
3. Chhattisgarh Kamdhenu University, Anjora, Durg, Camp Office- Dairy Technology College, Raipur (Chhattisgarh)
4. The Registrar, Chhattisgarh Kamdhenu University, Anjora, Durg, District Durg (Chhattisgarh)

**---- Respondents**

**And**

**WPS No. 1997 Of 2015**

- Akti Ram Shory S/o Shri Shivcharan Shory Aged About 49 years  
Occupation Veterinary Attendant, Veterinary Hospital, Durgukondal, Tahsi  
And P.S. Kanker District North Bastar Kanker Chhattisgarh

**---- Petitioner**

**Vs**

1. State Of Chhattisgarh Through Its Secretary, Agriculture, Animal Husbandry  
Development Department Mahanadi Bhawan, Secretariat New Raipur  
District Raipur Chhattisgarh
2. The Director Directorate Of Veterinary Services Indrawati Bhawan, BlockIII,  
Ground Floor Naya Raipur, Tahsil & District Raipur Chhattisgarh
3. Chhattisgarh Kamdhenu University Anjora, Durg, Camp Office Dairy  
Technology College Raipur Chhattisgarh
4. The Registrar Chhattisgarh Kamdhenu University Anjora Durg, District Durg  
Chhattisgarh

**---- Respondents**

**And**

**WPS No. 2161 Of 2015**

1. Dev Kumar Induwa S/o Shri Bharat Lal Induwa Aged About 44 years  
Occupation- Veterinary Attendant, Veterinary Hospital, Supos, Tahsil &  
Police Station Dabhara, District Janjgir-Champa (Chhattisgarh)
2. Devi Prasad Kaushik S/o Shri Makhan Lal Kaushik Aged About 45 Years  
Occupation- Veterinary Attendant, Artificial And Insemination, Sub Center  
Khokhara, Nawagarh, Tahsil Nawagarh, District Janjgir- Champa  
(Chhattisgarh)
3. Mahesh Kumar Azad S/o Shri Rajkumar Azad Aged About 32 Years  
Occupation- Veterinary Attendant, Veterinary Hospital, Kotmi, Tahsil &  
Police Station Dabhra, District Janjgir- Champa (Chhattisgarh)

**---- Petitioners**

**Vs**

1. State Of Chhattisgarh Through : Its Secretary, Agriculture, Animal  
Husbandry Development, Department, Mahanadi Bhawan, Secretariat,  
New Raipur, District- Raipur (Chhattisgarh)
2. The Director, Directorate Of Veterinary Services Indrawati Bhawan, Block III,  
Ground Floor, Naya Raipur, Tahsil & District Raipur (Chhattisgarh)

3. Chhattisgarh Kamdhenu University, Anjora, Durg, Camp Office- Dairy Technology College, Raipur (Chhattisgarh)
4. The Registrar, Chhattisgarh Kamdhenu University, Anjora, Durg, District Durg (Chhattisgarh)

---- Respondents

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|                                    |   |                                   |
|------------------------------------|---|-----------------------------------|
| For Petitioners                    | : | Shri Anand Shukla, Advocate       |
| For Respondents/State              | : | Shri PK Bhaduri, GA for the State |
| For Respondent-Kamdhenu University | : | Shri YS Thakur, Advocate          |

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**Hon'ble Shri Justice Prashant Kumar Mishra**

**Order On Board**

**08/07/2015**

1. Petitioners are working on different Class-IV posts, in the department of Veterinary Services. They have preferred the present batch of writ petitions seeking a direction to the respondent University to start special session for two years departmental training course necessary for the petitioners' promotion on the post of Assistant Veterinary Field Officer (for short 'AVFO'). They have also prayed for a direction to the respondent authorities to make alternative arrangement for departmental training for the above stated two years training course.
2. Promotion to the post of AVFO is governed under the Rules framed under Article 309 of the Constitution of India namely Chhattisgarh Veterinary Class-III (Executive and Non-Ministerial) Service Recruitment Rules, 2009 (for short 'the Rules, 2009'). Schedule-III of the Rules provides for the eligibility conditions for such promotion. One of the essential eligibility condition is that the candidate must have undergone two years departmental training from the Assistant Veterinary Services Training Institute. Out of the total number of posts available in the State, 10% of

posts are reserved for promotion from amongst the eligible Class-IV employees.

3. Since the petitioners are otherwise qualified for the promotion, but have not undergone two years training, the State recommended their names for obtaining two years training, but they were not sent for training, which has compelled them for filing these petitions.
4. In course of hearing on previous dates, it was informed to the Court that pursuant to a policy decision, the State has handed over the training institutes at Mahasamund and Jagdalpur to the Kamdhenu University, Raipur. An order dated 4-1-2014 was earlier placed before this Court, wherein the department of Veterinary Services has decided to handover the said colleges along with all the assets, including employees, at the disposal of the University till the University makes its own arrangement in this regard. Handing over of the training institutes to the University became an obstacle for the petitioners to obtain such training and impasse was created, therefore, to resolve the dispute, this Court directed the University and the Officers of the concerned department of the State Government to deliberate and take final decision in the matter.
5. Having convened a meeting, the University has decided to commence the training course from the year 2015-16 with 60 seats in the first year. The University has decided that out of 60 seats, 10% seats would be available for having filled up by departmental candidates like petitioners. The University presently runs three Polytechnic Colleges at Surajpur, Mahasamund and Jagdalpur, thus, in the year 2015-16 only 18 seats are available for the departmental candidates. As and when the admission process is completed, such number of departmental candidates would be

admitted for the two year training course.

6. At this stage, Shri Shukla, learned counsel for the petitioners would submit that in the meeting between the University authorities and the officers of the State Government, a proposal was made for giving admission to all departmental candidates separately, however, the University has not acceded to the said proposal, therefore, this Court should intervene and direct the University to admit all the departmental candidates so that they are able to complete the training course for becoming eligible for promotion on the post of AVFO.
7. Having given anxious consideration to the submission made by Shri Shukla, this Court finds itself unable to agree because to become eligible for promotion is not an enforceable right. The relevant service Rules does not mandate the employer that immediately on completion of required length of service in the feeder cadre the member would necessarily be sent for two years training, so that they become eligible for promotion. To be considered for promotion is different than making one eligible for being considered for promotion.
8. University has already framed rules and depending upon the available infrastructure in the Veterinary Polytechnic Colleges, the University has determined the number of seats for the first year course. This again makes the decision of the University a policy decision, which is governed by host of factors like availability of infrastructure, faculty etc. Merely, because delay in acquiring the qualification may defer the petitioners' chances to become eligible for promotion would not be an enforceable right so as to exercise jurisdiction under Article 226 of the Constitution of India for issuing a direction to the respondents.

9. For the foregoing, this Court does not find any substance in the writ petitions, it deserve to be and are dismissed.

Sd/-

Judge

Prashant Kumar Mishra

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