

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 1725 of 2016

Basant Kumar Yadav S/o Shri Ramphool Yadav, Aged About 32 Years R/o Shukulpara, Ward No. 10, Kharod, District Janjgir Champa, (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Higher Education, Mantralaya, Mahanadi Bhawan, Naya Raipur, District Raipur, (Chhattisgarh)
2. The Commissioner, Directorate Of Higher Education, Block C-30, 2nd And 3rd Floor, New Raipur, District Raipur, (Chhattisgarh)
3. The Principal, Government Laxmaneshwar College, District Janjgir Champa, (Chhattisgarh)
4. Dr. A. R. Banjare, Principal, Government Laxmaneshwar College, District Janjgir Champa, (Chhattisgarh)

---- Respondents

Shri Prateek Sharma, counsel for the petitioner/s.
Shri Dilman Rati Minj, Dy.G.A. for the State

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

27/06/2016

Heard.

The petitioner has filed this petition seeking a direction to respondents to pass order of confirmation of service of the petitioner from the date of completion of period of probation i.e. 06/02/2016 and all other benefits consequent thereto.

2. Learned counsel for the petitioner submits that the petitioner was appointed on 04/02/2013 on the post of Lab Attendant. He joined on 06/02/2013. He was appointed on probation for a period of two years which was completed on 06/02/2015. An order was passed extending period of probation for a period of one year which also expired on 06/02/2016.

3. Grievance of the petitioner is that till date, no decision has been taken in this case. It is the submission of learned counsel for the petitioner that once the petitioner has completed maximum period of probation, he should be treated as having been automatically confirmed because under the service rules, probation could not be extended beyond maximum period of three years.

4. It appears that period of extended probation of one year has also expired on 06/02/2016. The petitioner has filed this petition as respondents have not communicated any decision to the petitioner with regard to his service.

Learned counsel for the petitioner further raises apprehension that the petitioner is apprehending coercive action against him in view of various notices issued to him. According to the petitioner, he has not committed any irregularity.

5. Once the maximum period of probation is over, it cannot be extended. Therefore, now the competent authority should decide the case of the petitioner in accordance with the rules applicable in the matter of confirmation, upon scrutiny of service records of the petitioner during initial period of probation and also extended period of probation.

The petitioner is a probationer. The effect and impact of the work done by the petitioner is a matter of examination by the Principal while considering the case of the petitioner for confirmation. Let decision in this regard be taken by the Principal of the College within a period of 60 days from the date of receipt of copy of this order.

6. With the aforesaid observations, this petition is finally disposed off.

Sd/-

(Manindra Mohan Shrivastava)
Judge