

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION (S) NO. 6411 OF 2016

Manish Singh Parihar, S/o Shri R.S. Parihar, aged about 34 years, R/o Anand Apartment, Vikas Nagar, 27 Kholi, Flat No.303, Bilaspur, District Bilaspur (C.G.)

... Petitioner

Versus

- 1.** State of Chhattisgarh, through the Principal Secretary, Department of Law and Legislative Affairs Mantralaya, Mahanadi Bhawan, Naya Raipur (C.G.)
- 2.** Additional Secretary, Department of Law and Legislative Affairs Mantralaya, Mahanadi Bhawan, Naya Raipur (C.G.)
- 3.** Advocate General, office of Advocate General, High Court Campus at Bodri, Bilaspur, District Bilaspur (C.G.)

... Respondents

For Petitioner	:	Mr. Kishore Bhaduri, Advocate, assisted by Mr. Chandresh Shrivastava, Advocate.
For Respondent-State	:	Mr. Adhiraj Surana, Dy. Govt. Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

01/03/2017

- 1.** The present writ petition has been filed by the Petitioner challenging the order dated 12.9.2016 (Annexure P-1), whereby the request of the Petitioner for permission to appear in the LLB (Part-III) course has been rejected, only on the ground that in case, if the Petitioner undertakes his LLB course the same shall adversely affect the discharge of his official duties.
- 2.** Learned Counsel for the Petitioner at the outset submits that he only seeks permission on his undertaking that the discharge of his official duties shall not in any manner be affected in the course of his undertaking the said educational qualification. He further submits that an affidavit also has been filed on 27.2.2017 wherein the Petitioner has given specific instances of some other similarly placed persons who have been granted permission by the office of the Respondents as well as the other departments of the State Government and therefore the Petitioner may also be given similar treatment.

3. Learned Counsel for the State however opposing the petition submits that if the permission is granted to the Petitioner then there is all possibility that the work of the Petitioner which he is discharging in the office of the Advocate General shall adversely affect and that shall also reflect the functioning of the office of Advocate General as well as in the conducting of the cases before the High Court on behalf of the office of Advocate General.

4. Having considered the rival contentions put forth on either side and on perusal of the record, one should not forget the fact that it is only a permission to appear in the LLB (Part-III) course that the Petitioner is seeking. That itself shows that the Petitioner has already cleared LLB Part-I and Part-II course. The affidavit filed on 27.2.2017 also reflects that similarly placed persons in the past both in the office of Advocate General as well as other departments of State Government have been granted permission in this regard. This also forces this Court to draw an inference that there have been practices in the past in given cases, where permission has been granted to other similarly placed persons.

5. In the given peculiar facts and circumstances of the case, this Court is of the opinion that the impugned order (Annexure P-1) passed by the State Government does not seem to be proper, legal and justified. The same is therefore quashed. It is ordered that the Petitioner may be permitted to participate in the LLB (Part-III) examination, with a condition that under no circumstances the Petitioner's undertaking the said course should affect the discharge of his official duties in the office of Advocate General. Let appropriate instructions in this regard be promptly issued in favour of the Petitioner.

6. The present writ petition stands accordingly allowed and disposed of.

Sd/-
(P. Sam Koshy)
Judge