

HIGH COURT OF CHHATTISGARH, BILASPUR**WRIT PETITION (S) NO. 6648 OF 2007**

Dr.Vijendra Kumar Pandey S/o Shri Kamta Prasad Pandey Assistant Professor Government College Ratanpur R/o L-10 House No. 14/834 Shesh Colony Near Vyapar Vihar Bilaspur Tahsil And District Bilaspur, Chhattisgarh.

...Petitioner(s)

Versus

1. State Of Chhattisgarh through the Secretary, Department of Higher Education, Mantralaya DKS Bhawan, Raipur (CG).
2. The Commissioner Higher Education Office At Government Science College Campus Raipur (CG)
3. University Grant Commission Bahadur Shah Zafar Marg, New Delhi 110002.

... Respondent(s)

For Petitioner	:	Shri Prateek Sharma, Advocate.
For Respondent-State	:	Shri B Gopa Kumar, Dy. A.G.
For Respondent No.3	:	Shri Sharad Mishra on behalf of Shri Sachin Singh Rajput, Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

25/04/2018

1. The petitioner restricts his claim for grant of promotion from backdate from which his juniors have been promoted to the post of Professor from Assistant Professor.
2. The contention of the petitioner was that since the petitioner had already granted senior grade and selection grade in the year, 1986, the requirement of undergoing two refresher courses required for promotion to the post of Professor would not be necessary.
3. According to the petitioner, vide Annexure P/5 dated 14.09.1993 the petitioner has been granted senior grade as also selection grade w.e.f. 01.01.1986 and 04.01.1986 respectively. Since the petitioner had received the selection grade prior to 17.06.1987, he would not be required to undergo two refresher courses.

4. A perusal of records would show that the service rules governing the service conditions of the petitioner is Chhattisgarh Educational Service (Collegiate Branch) Recruitment Rule, 1990 (in short, the Rules, 1990) and where in Schedule-4, Entry-3 deals with promotion to the post of Professor from the post of Assistant Professor and the requisite eligibility criteria also is prescribed therein. Apart from above, the other conditions which the petitioner was required to fulfill for promotion is Clause-d of Entry-3 which reads as under :

“(d). Participated in two refresher courses/summer institutes each of approximately 4 years duration or engaged in other appropriate continuing education programmes of comparable quality as may be specified by the UGC, **after placement in the Senior Scale.**”

5. Given the aforesaid conditions, it is emphatically clear that two refresher courses which the petitioner had to undergo was subsequent to placing in the senior scale. From the pleadings in the writ petition it is apparently clear that the petitioner has not undergone two refresher courses required for promotion. The petitioner has also not been able to show any circular, guidelines or rules of the State Govt. wherein it has been reflected that requirement of two refresher courses would stand relaxed provided the candidate has got senior grade and selection grade prior to 17.06.1987. In the absence of which, this court does not find any strong case made out by the petitioner for grant of benefit of promotion from the post of Assistant Professor to Professor without having two refresher courses.
6. Thus the petition fails and is accordingly dismissed.

Sd/-
(P. Sam Koshy)
Judge