

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****Writ Petition (S) No. 6901 of 2017**

Prashant Kumar Jangde S/o Amar Singh Jangde, aged about 30 years, Assistant Professor, Department of Mechanical Engineering, School of Studies, at Guru Ghasi Das Central University, Bilaspur, R/o A-12, Type-3 New Residential Area, GGV Campus, Koni, Bilaspur Distt. Bilaspur Chhattisgarh.

---- Petitioner**Versus**

Guru Ghasi Das University through its Registrar, Koni, P. S. Koni, Tahsil Bilaspur, Distt. Bilaspur, Chhattisgarh.

---- Respondent

For Petitioner	:	Shri Mateen Siddiqui, Advocate
For Respondent	:	Shri R. S. Baghel, Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****11/01/2018**

The case of the petitioner, in brief, is that he is an Assistant Professor, Department of Mechanical Engineering at the Institute of Technology, Guru Ghasi Das University, Bilaspur (Central University).

2. The All India Council for Technical Education (AICTE) has a scheme known as the Quality Improvement Programme (QIP) under which the AICTE has framed certain guidelines as to how the teaching faculties who do not have Ph.D qualification be permitted to undertake Ph.D course. The AICTE selects candidates who had applied for the said course and allots them different institutions from where they may undertake Ph.D course. The Petitioner in the instant case was selected for taking Ph.D course from IIT Roorkee and his name has been placed at serial no. 19 in Annexure P-11.

3. The grievance of the petitioner is that the Authority concerned, on 29.09.2016, had issued NOC permitting him to apply for the said course in the academic session 2017-18 and the final admission of which is to be done in the year 2018-19. Subsequently, the application of the petitioner was also forwarded by the Registrar, Guru Ghasi Das University on 05.10.16 wherein one of the undertakings given by the Registrar was that the applicant will be relieved for the programme full time on deputation and will be paid full salary and allowances during the tenure of the programme if selected for admission. Thereafter, the petitioner was selected for the programme and he has also been asked to undertake the contact programme of 60 days which is open only up till 31st March, 2018. The petitioner in spite of repeated efforts being made for obtaining leave in this regard from the University, the same has not been accorded by the University.

4. As per the scheme, if he is successful in the contact programme of 60 days ending 31.03.2018, only then can undergo the course for obtaining Ph.D.

5. Counsel for the petitioner submits that the petitioner has applied to the Authorities on repeated occasions for grant of leave in this regard which has been refused and that under the programme also he is entitled for the study leave for undertaking the said course.

6. At this juncture, Shri R. S. Baghel, counsel appearing for the University submits that under the new ordinance which has been framed by the Guru Ghasi Das University and which has been brought into force w.e.f. 26th July, 2017, the petitioner need to make an application before the School Board for grant of study leave and the School Board alone has to take a decision in this regard. He submits that the case of the petitioner for grant of study leave is pending before the School Board as per the instruction that he has received from the respondent.

7. Given the said submission made by the counsel for the respondent, this Court is of the opinion that no fruitful purpose would be served in keeping the petition pending and it is directed that the School Board before which the application for grant of study leave is pending consideration should take a decision on the application of the petitioner within a period of 10 days from today. The short period of time is being granted as the contact programme is open only up till 31st March, 2018 before which the petitioner has to complete his 60 days programme.

8. Let the School Board take a decision and communicate the same to the petitioner by 22nd of January, 2017. The petitioner would also have the liberty of applying for grant of earned leave in stead of study leave before the concerned authority under the University for the initial undertaking of the contact programme which is open up till 31st of March, 2018. In case, the petitioner moves an application for grant of earned leave in this regard, the competent authority in the Department should take a decision within the same period i.e. 10 days from today.

9. The present writ petition accordingly stands disposed of. Certified copy today.

(P. Sam Koshy)
JUDGE