

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**W. A. No. 636 OF 2018**

Neeraj Kumar S/o Shri Kala Ram Dewangan, Aged About 37 Years R/o Gaya Nagar, Near Deshmukh Kirana Store, Tah. And Dist. Durg (Chhattisgarh)

---- Appellant**Versus**

1. State Of Chhattisgarh Through The Secretary, Department Of Higher Education, Mahanadi Bhawan, New Raipur, Dist. Raipur Chhattisgarh.
2. The Chairman, Chhattisgarh Public Service Commission (CGPSC), Shankar Nagar Road, Raipur, District Raipur (Chhattisgarh).
3. The Registrar, University Grand Commission (UGC), Bahadur Shah Zafar Marg, New Delhi, Pin- 110002.

---- Respondents

For Appellant	:	Shri Rudranath Mukherjee, Advocate
For Respondent/State	:	Shri Y. S. Thakur, Additional Advocate General.
For Respondent No.2	:	Shri Y. C. Sharma, Advocate.

Hon'ble Shri Ajay Kumar Tripathi, Chief Justice
Hon'ble Shri Parth Prateem Sahu, Judge

Judgment on Board**23/08/2018****Per Ajay Kumar Tripathi, Chief Justice**

1. Heard counsel for the parties.
2. Since the writ application of the appellant was dismissed by the learned Single Judge vide his order dated 11/05/2018, the writ appeal has been preferred by him.
3. The prayer in the writ application was for a direction upon the respondent

authorities to consider the claim of the appellant for appointment on the post of Assistant Professor, which the Chhattisgarh Public Service Commission refused to do. The reason for such rejection was that he did not have the requisite eligibility.

4. Argument before the learned Single Judge made on behalf of the appellant was that he has degree in Commerce and MBA which amounts to a Post Graduation Degree, which is equivalent to M. Com and therefore, he had requisite eligibility to be considered for the post of Assistant Professor.

5. The minimum eligibility has been laid down by University Grand Commission for appointment on such teaching post a Post Graduation Degree i.e. M. Com with minimum 55% marks is a must. In this case, the subject in question is Commerce. Since an MBA is not a Post Graduation Degree, but it is a diploma which is awarded by various institutions. Even though it is called a Master of Business Administration, it is not a post graduate degree, at par with M. Com, therefore, the Learned Single Judge refused to bite the argument that an MBA degree is good enough to make the appellant eligible for consideration for appointment on the post of an Assistant Professor.

6. Since the educational qualification of the appellant is not a subject matter of dispute, therefore, the benefit which he expects by way of a direction by the Court cannot be granted.

7. There is no infirmity in the order of learned Single Judge, which requires rectification in appeal. The appeal has no merit and it is dismissed.

Sd/-

(Ajay Kumar Tripathi)
CHIEF JUSTICE

Sd/-

(Parth Prateem Sahu)
JUDGE