

HIGH COURT OF CHHATTISGARH, BILASPUR**WRIT PETITION (S) NO.5394 OF 2011**

Kaushal Prasad Bhardwaj, aged 30 years, S/o Shri Ramadhar Bhardwaj,
R/o Village Lavai, PO Khisora, District Janjgir Champa (CG).

...Petitioner(s)

Versus

Indira Gandhi Agriculture University, Raipur, through Registrar, Indira
Gandhi Agriculture University, Raipur, District Raipur (CG).

... Respondent(s)

For Petitioner	:	Shri Ravindra Sharma, Advocate.
For Respondent	:	Shri Rajendra Tripathi on behalf of Shri B.D. Guru, Advocate

Hon'ble Shri Justice P. Sam Koshy

Order on Board

16.08.2019

1. The relief sought for by the petitioner in this petition is for issuance of a writ of mandamus directing the respondents to fix a suitable criteria for Diploma in Laboratory Techniques and preference to the other qualifications.
2. This court, at the outset, is not inclined to entertain the writ petition for the reason that the writ petition was of the year, 2011, the recruitment process which was initiated was again of the said year and which by now must have already concluded and the selected candidates also must have been appointed and none of them have been made party in this petition. Therefore, the present petition as on date may not be sustainable. Even otherwise, the relief sought for by the petitioner is something which is unsustainable for the reason that neither the rules nor the schedule in the service regulation prescribe for any such preference to be given to the petitioner having Diploma in Laboratory Techniques.
3. It is settled position of law that qualification, experience and requisite eligibility criteria is always the prerogative of the employer to decide. It is the employer who decides the service conditions and the regulations

governing the recruitment process. The High Court cannot substitute itself and prescribe specific conditions or issue an appropriate writ to the respondents for granting any preferential treatment to a particular category of persons based on the additional qualification that they have.

4. The writ petition thus, on this ground also does not have any merit and the same deserves to be and is accordingly rejected.

Sd/-
(P. Sam Koshy)
Judge