

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**MCC NO. 1081 OF 2019**

- Dr. Smt. Archana Khare, W/o Pradeep Khare, aged about 44 years, working as Lecturer, R/o Dindayal Awas LIG-25, Vaishali Nagar, Kaurinabhata, Rajnandgaon, District Rajnandgaon (CG)

... Applicant**versus**

1. State of Chhattisgarh, through the Secretary, Government of Chhattisgarh, Department of Technical Education, Man Power and Planning, Mahanadi Bhawan, Mantralaya, Nava Raipur (CG)
2. The Director, Directorate of Technical Education, Indravati Bhawan, Raipur.
3. The Public Service Commission, through the Secretary, P.S.C., Raipur.
4. Smt. Mridularatna Chourasiya, D/o Munna Lal Chourasiya, R/o LIG-131, Block-9, Housing Board Colony, Vashali Nagar, Thorinbhata, Rajnandgaon, District Rajnandgaon (CG)

... Respondents

For Applicant/Petitioner	:	Mrs. Renu Kochar, Advocate.
For Respondents/State	:	Mr. Ashutosh Mishra, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****04/12/2019**

1. The present MCC has been filed by the applicant/petitioner seeking modification/clarification of the order dated 9.7.2019 passed in WPS No. 2267/2016.
2. Contention of the learned counsel appearing for the applicant/petitioner is that the modification is being sought to the extent that, in paragraph 3 as well as in paragraph 11 of the order dated 9.7.2019, the date of advertisement has been wrongly mentioned, inasmuch as the date of advertisement is in fact 23.12.2015, whereas inadvertently it has been got typed as 23.12.2005. Counsel for the applicant/petitioner further wants the order to be modified to the extent of fixing certain time limit within which the respondent authorities have to act on the directives given by this Court and the applicant/petitioner be also directed to participate in the inquiry. Further clarification has also been sought for by the applicant/petitioner to the extent that the inquiry of the credentials of respondent no.4 – Smt. Mridularatna Chourasiya to be done in accordance with the norms laid down by the University Grants Commission.

3. It would be relevant at this stage to take note of the following observations made by this Court while deciding WPS No. 2267/2019 vide order dated 9.7.2019 :-

“10. ...If the contention of the petitioner is to be accepted, then either the respondent No.4 does not have the requisite experience or on the other hand, if she has in fact the teaching experience during the intervening period, then the Ph.D. which she has obtained may not be acceptable as per the UGC norms. These two substantive objections which the petitioner has raised is one which needs proper inquiry and it appears that the respondents No. 1 to 3 have not taken due care on the said objections which the petitioner has raised. In the opinion of this Court, the contention raised by the petitioner should not be taken lightly. It needs an inquiry which till date has not been conducted.

11. Given the said facts, it is ordered that let the respondents No.1 & 2 conduct an inquiry so far as the credentials of the respondent No.4 in the light of the requirement as per the advertisement dated 23.12.2005 so far as the post of Head of the Department, Polytechnic Institutions in Costume Designing and Dress Making is concerned. While conducting the inquiry, the respondents No.1 & 2 are expected to verify the actual experience, if any, that the respondent No.4 then had as was required under the advertisement and shall also consider whether the Ph.D. that the respondent No.4 has is one which is firstly from a recognized University and secondly whether it is a valid Ph.D. or not.”

4. From the plain reading of the aforesaid observations/directions given by this Court, it is quite evident that the respondent authorities are expected to take due care while inquiring into the credentials which the respondent no.4 had submitted for obtaining employment. It is also evidently clear from the observations as to the shortcomings alleged by the applicant/petitioner so far as the respondent no.4 is concerned and it is on these facts that the writ petition was disposed of on 9.7.2019.

5. Without expressing further opinion, it is expected that the authorities concerned would take into consideration the observations and contentions reflected in the entire order dated 9.7.2019 while conducting the inquiry. Again, without making any further modification of the order, it is expected that the respondent authorities would act on the directives given by this Court within a reasonable period.

6. In paragraph 3 as well as in Paragraph 11 of the order dated 9.7.2019, the date of advertisement now shall be read as “**23.12.2015**” instead of 23.12.2005.

7. The MCC stands disposed of accordingly and to the above extent.

/sharad/

Sd/-
(P. Sam Koshy)
JUDGE