

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 10256 of 2019**

1. Dr. Janhavi D/o Shri B.R. Tonde Aged About 28 Years R/o Behind Pandary Police Station, Near Water Tank , Dubey Colony Mowa Raipur Chhattisgarh
2. Madhukar Patel S/o Shri Khageshwar Patel Aged About 29 Years R/o Village Gaurbihari , Po Hamirpur Tamnar , District Raigarh Chhattisgarh.
3. Usha Yadav D/o Shri Parmeshwar Yadav Aged About 24 Years R/o Post Bhatapara, Tehsil Bhatapara , District Balodabazar Bhatapara Chhattisgarh

---- Petitioners**Versus**

1. State Of Chhattisgarh Through The Secretary Department Of Agriculture Mantralaya, Mahanadi Bhawan , Naya Raipur Raipur Chhattisgarh
2. Registrar Indira Gandhi Krishi Vishwavidyalaya, Krishak Nagar, Naya Raipur , Raipur Chhattisgarh

---- Respondents

For Petitioners	:	Ms. Ruchi Nagar, Advocate
For Respondent No.1/State :		Shri Amrito Das, Addl. AG
For Respondent No.2	:	Shri D.N. Prajapati, Advocate

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****06/12/2019**

1. Heard.
2. The instant petition is filed for the following reliefs:-

10.1 The Hon'ble Court may kindly quash the impugned advertisement dated 14.11.2019 issued by the Indira Gandhi Krishi Vishwavidyalaya, Raipur, for the post of Assistant Professor in respect of the Farm Machinery & Power Engineering.

10.2 The Hon'ble Court may kindly be pleased to direct the respondent to issue fresh advertisement for the post Assistant Professor (Agriculture) thereby including Soil & Water Engineering along with other subjects (post graduation).

10.3 This Hon'ble Court may kindly be pleased to grant any other writ/writs, order/orders, relief/reliefs in favour of the petitioners, which the Hon'ble Court deemed fit & just in the facts and circumstances of the case, including awarding of the costs of the petitioners.

3. It is contended on behalf of the petitioners that an advertisement has been issued by the Indira Gandhi Krishi Vishwavidyalaya, Krishak Nagar, Raipur on 14.11.2019 wherein at serial No.6 recruitment for Farm Machinery & Power Engineering has been shown, which is a sub-subject of Agriculture Engineering. It is contended that the petitioners are holding P.hd. and M.Tech in Soil & Water Engineering, therefore, by confining the recruitment process to Farm Machinery & Power Engineering, the right of the petitioners is denied for the appointment. Consequently, the advertisement dated 14.11.2019, which takes away the right of the petitioner is bad in law.
4. Learned counsel for respondent No.2 vehemently opposed the arguments.
5. Prima facie perusal of the pleading of the petition shows that it is pleaded that Agriculture Engineering is a post graduate degree course and it has three branches, first is Farm Machinery & Power; second is Soil & Water Engineering; and third is Agriculture Processing and Food Engineering. If a particular stream of subject has different branches and the University wants to appoint a teacher in particular subject, it is the prerogative of the University to call for recruitment for a particular expert/professor in a particular branch. The petitioner since are claiming that they are P.hd. and M.Tech in Soil & Water Engineering, cannot force the University to include their prospective candidature for Agriculture

Processing and Food Engineering it being a different subject. When the Agriculture Processing and Food Engineering is a separate branch, then in such case and if the Professors are required for that specific subject, the University is the sole abitor to decide the requirement. A person holding a degree in different Branch cannot force to be considered for appointment in the other Branch and ask for issuance of writ of mandamus.

6. The petition therefore is sans merit, it is accordingly dismissed.

Sd/-

Goutam Bhaduri
Judge

Ashu