

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WA No. 608 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

---- Appellants

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

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For Appellant(s)	:-	Shri Ishan Verma, Advocate
For Respondent-State	:-	Shri Ghanshyam Patel, G.A.

Hon'ble Shri Justice Prashant Kumar Mishra &
Hon'ble Shri Justice Gautam Chourdiya
Judgment On Board
By

Prashant Kumar Mishra, J.

20/12/2019

1. This intra Court appeal would call in question the order passed by Learned Single Judge dismissing the appellants' (writ petitioners') challenge to the advertisement dated 14.11.2019 issued by the Indira Gandhi Krishi Vishwavidyalaya, Raipur for the post of Assistant Professor (Farm Machinery and Power Engineering).
2. The Learned Single Judge has dismissed the prayer for the reason that the University is the sole arbiter 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.
3. On the basis of document filed as Annexure P-3, minimum requirements for establishment of new college in Agriculture and Allied Disciplines by the Indian Council of Agricultural Research (ICAR), it is argued that in the Divisions/ Departments/ Sections which a college may have, the subject of Agricultural Engineering is one subject which is not bifurcated further, therefore, when the advertisement bifurcates the post of Assistant Professor (Farm Machinery and Power Engineering) and not in the subject of Agricultural Engineering, it violates the guidelines of the Indian Council of Agricultural Research (ICAR). It is argued that subjects viz. (1). Farm Machinery and Power Engineering; (2). Soil and Water Engineering and (3). Agriculture Processing & Food Engineering are all part of the subjects of Agricultural Engineering, therefore, the advertisement should have invited applications for the Assistant Professor in Agricultural Engineering and not for Farm Machinery

and Power Engineering. It is further argued that the appellants being qualified in Soil and Water Engineering, they are unable to participate in the subject recruitment because of faulty advertisement.

4. The guidelines issued by the Indian Council of Agricultural Research (ICAR) are only enabling in nature. It doesn't mandate the University or College to advertise the post of Assistant Professor by clubbing all the subjects and branches into one i.e., Agricultural Engineering. In fact, entry No.5, which is referred to by learned counsel for the appellants is about Divisions/Departments/Sections and it doesn't point out the course or the specialization in which the Divisions/Departments/Sections of Agricultural Engineering shall offer employment. The Department of Agricultural Engineering may have different subjects like the above three i.e., (1). Farm Machinery and Power Engineering; (2). Soil and Water Engineering and (3). Agriculture Processing & Food Engineering
5. In any case, the Learned Single Judge has rightly observed that it is for the University to decide as to which course or faculty it needs the services. Intended candidates cannot dictate the terms in which the advertisement will be issued.
6. There is no substance in this Writ Appeal. Accordingly, the Writ Appeal deserves to be and is hereby dismissed.

SD/-
(Prashant Kumar Mishra)
Judge

SD/-
(Gautam Chourdiya)
Judge