

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 1522 of 2014**

- Chandrama Prakash Sahu S/o Mehetar Sahu Aged About 27 Years R/o Malda A. Post Pasida, Tahsil Sarangarh Distt. Raigarh C.G.

---- Petitioner**Versus**

1. State Of Chhattisgarh S/o Through The Secretary, Department Of Health And Social Welfare, New Mantralaya, Mahanadi Raipur, Chhattisgarh
2. The Director, Medical Education Chhattisgarh Raipur Chhattisgarh
3. Adhithata, Late Shri Lakhiram Agrawal Smriti Government Medical College Raigarh C.G.
4. University Grants Commission Bahadur Shah Jafar Marg, New Delhi, New Delhi- 110002
5. Eastern Institute For Intergrated Learning In Management University (EIILM) Jorethang, Distt. Namchi 737121, Sikkim, Through Its Registrar
6. Kishore Kumar Pradhan S/o Shri Niranjana Pradhan C/o Office Of Collector Tribal Development Raigarh C.G.

---- Respondents

For Petitioner	:	Shri Pallav Mishra With Shri R.N. Pusty, Advocates
For Respondents/ State	:	Shri Kapil Maini, P.L.

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****15/01/2020**

1. Heard.
2. The instant petition is filed for following reliefs:-
 - (i) That, this Hon'ble Court may kindly be pleased to call for entire records pertaining to the case of the petitioner.
 - (ii) That this Hon'ble Court may kindly be pleased to set aside the decision taken by the Respondent No. 3 vide Annexures P/12 and P/15 , whereby the

petitioner has been declared ineligible for selection to the post of Medical Social Worker.

(iii) That this Hon'ble Court may kindly be pleased to direct the Respondent No. 3 to consider the candidature of the petitioner for the post of Medical Social Worker treating the degree held by the petitioner in M.A. (Sociology) from Sikkim University as recognized and valid one and the same does not require any further recognition from the state of C.G.

(iv) That, this Hon'ble Court may further be pleased to set-aside the selection and appointment of the Respondent No. 6 to the post of medico social worker in pursuance of advertisement Annexure P/10.

(v) That this Hon'ble court may kindly be pleased to pass any further order/direction or issue any further writ/order/direction which is deemed fit and proper in the facts and circumstances of the case.

3. The grievance of the petitioner is that the petitioner claim for consideration for appointment of Medico Social Worker at the hospital of Respondent No. 3 was denied for being illegible for the reason that he holds a off-campus degree. Primary perusal of the documents would show that the petitioner was having a degree of Master of Arts (Sociology) from Eastern Institute for Integrated Learning in Management University (EIILM) Sikkim (Annexure P-7). The said University was having its off-campus center at Patna wherein the petitioner prosecuted his studies and passed out. However on the basis of such degree when the application was made for appointment it was not considered and the petitioner was declared illegible. It is not in dispute that the petitioner obtained the degree from off-campus center of Patna of university of the Sikkim State. In case of Prf. Yashpal and another Vs. State of Chhattisgarh and others, reported in (2005) 5 SCC 420 it was held that the universities having off-campus centers outside the State was beyond the legislative competence of the State and was in violation of Article 245 of the Constitution of India. It was further held that the university established by a State enactment would have jurisdiction only within the area specified in the

Act or atbest only within the territorial limit of the State concerned and not beyond the same. Supreme Court in para 60 has held as under:

"60. Dr. Dhavan has also drawn the attention of the Court to certain other provisions of the Act which have effect outside the State of Chhattisgarh and thereby give the State enactment an extra territorial operation. Section 2(f) of the amended Act defines 'off-campus centre' which means a centre of the University established by it outside the main campus (within or outside the State) operated and maintained as its constituent unit having the university's complement of facilities, faculty and staff. Section 2(g) defines "off-shore campus" and it means a campus of the university established by it outside the country, operated and maintained as its constituent unit, having the university's complement of facilities, faculty and staff. Section 3(7) says that the object of the University shall be to establish main campus in Chhattisgarh and to have the study centres at different places in India and other countries. In view of Article 245 (1) of the Constitution, Parliament alone is competent to make laws for the whole or any part of the territory of India and the legislature of a State may make laws for the whole or any part of the State. The impugned Act which specifically makes a provision enabling a University to have an off-campus centre outside the State is clearly beyond the legislative competence of the Chhattisgarh legislature."

4. In the case supra, it was clearly provided that the State recognized University cannot established their center outside their respective State and their jurisdiction would only be within the State. Therefore, in the instant case the petitioner having obtained degree from the off-campus center at Patna the same cannot be considered to be valid degree for consideration and the State has the right to disown the same. Likewise the same ratio has also been followed in case of Madhuri Mishra and ors. Vs. State of C.G. and ors. in WPS No. 2695 of 2010 decided on 16.04.2014. Consequently no relief can be granted to the petitioner.
5. This petition is devoid of all merits and accordingly stands dismissed.

Sd/-

Goutam Bhaduri
Judge