

HIGH COURT OF CHHATTISGARH AT BILASPUR**WRIT PETITION (S) NO. 4977 OF 2020**

1. Laxman Bhoy S/o Gourhari Aged About 40 Years R/o Village Chhich, Tahsil Pussore, District Raigarh (CG)
2. Shital Kumar Yadav S/o Vijay Shankar Aged About 45 Years R/o Village Kutela, Post Gudiyari, District Raigarh (CG)
3. Tikeshwar Prasad S/o Shri Vinod Kumar Aged About 38 Years R/o Village Vijaypur, Tahsil Baramkela, District Raigarh (CG)

... Petitioners**versus**

1. State of Chhattisgarh, Through The Secretary, Agricultural (Animal Husbandry Department) Mantralaya, Mahanadi Bhawan, New Raipur, District Raipur (CG)
2. Director Veterinary Service, New Raipur, District Raipur (CG)
3. Deputy Director, Veterinary Service, Raigarh, District Raigarh (CG)

... Respondents

For Petitioners	:	Mr. Sumit Singh Rathore, Advocate.
For Respondents/State	:	Ms. Akansha Jain, Dy. G.A.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****02/12/2020**

1. The present Writ Petition has been filed by the Petitioners seeking for a direction to the Respondents to consider the case of the Petitioners for granting them permission to pursue the training for the course of Diploma in Veterinary Polytechnic.
2. The conditions required to participate in the said course is that the candidates should have educational qualification of 10+2 from any recognized institution from the State of Chhattisgarh; must have completed the regular service for five years on a particular post; and must be a class-IV employee.
3. Perusal of record would show that the Petitioners were initially appointed in the year 2012 vide Order dated 12.7.2012. However, subsequently, the entire appointment made vide Order dated 12.7.2012 itself was cancelled by the Respondent authorities. The said cancellation was questioned before this Court in WPS No. 4441/2012 (Tikeshwar Prasad & Others Vs. State of Chhattisgarh & Others). As an interim measure, the Petitioners were allowed to continue in service and by virtue of which they are still continuing in service and the said Writ Petition also is still pending consideration before this Court.

4. Given the fact that the appointment of the Petitioners itself is in question in the aforesaid Writ Petition and the fact that the department had already cancelled their appointment but for the interim protection, the Petitioners do not have 5 years of regular service as is required under the criteria fixed for being sponsored as a candidate for the said course.

5. The fact that the Petitioners have already got an interim protection in their favour so far as the employment/appointment is concerned, they cannot be permitted to avail the subsequent privileges or advantages attached to a regular employee till the Writ Petition is finally decided.

6. Thus, for the aforesaid reasons, the present Writ Petition does not have any merit and the same deserves to be and is accordingly dismissed. However, the Petitioners would be at liberty to avail the remedies available to them on the administrative side by approaching the authorities in the department for ventilating their grievances. In case of any representation which is pending before the authorities, the same may also be decided at the earliest in accordance with law.

7. Writ Petition accordingly stands disposed of with the aforesaid direction.

/sharad/

Sd/-
(P. Sam Koshy)
JUDGE