

**HIGH COURT OF CHHATTISGARH AT BILASPUR**

**Writ Petition (S) No. 399 of 2021**

1. Chandra Shekhar Khare S/o Shri Ganesh Ram Khare, Aged About 35 Years R/o Pamgarh, Police Station Pamgarh, District Janjgir Champa Chhattisgarh.

**---Petitioner(s)**

**Versus**

1. Indira Gandhi Krishi Vishwavidyalaya Through Vice- Chancellor, Krishak Nagar, Raipur, District Raipur Chhattisgarh
2. Registrar, Indira Gandhi Krishi Vishwavidyalaya, Krishak Nagar, Raipur District Raipur Chhattisgarh
3. Director Instruction, Indira Gandhi Krishi Vishwavidyalaya, Krishak Nagar, Raipur District Raipur Chhattisgarh
4. Director Extension Services Indira Gandhi Krishi Vishwavidyalaya, Krishak Nagar, District Raipur Chhattisgarh

**---Respondents**

|                 |   |                                 |
|-----------------|---|---------------------------------|
| For Petitioner  | : | Ms. Reena Singh, Advocate.      |
| For Respondents | : | Shri Shashank Thakur, Advocate. |

**Hon'ble Shri Justice P. Sam Koshy**

**Order on Board**

**04.03.2021**

1. Aggrieved by the action of not considering the application of the petitioner for granting permission to pursue Ph.D course as a departmental candidate in the academic session 2020-21, the present writ petition has been filed.
2. The petitioner was appointed as a Farm Manager under the respondents vide order dated 07.10.2014 initially for a probation period of two years but the petitioner was not confirmed in the department. The petitioner applied for pursuing Ph.D course in Agronomy subject in the year, 2017 and also in the subsequent years but he was not granted an NOC which is otherwise required for a departmental candidate. The petitioner's application on previous occasions have been rejected on the ground of petitioner being placed under suspension by the respondents, however, subsequently the order of suspension has since been revoked vide order dated 31.10.2020. Thereafter the petitioner has again applied for the Ph.D

course as a departmental candidate for the academic session 2020-21 which too was not acceded to and the respondents meanwhile have published a notification on 23.11.2020 consisting list of persons found eligible for the Ph.D programme under the respondents for the academic session 2020-21.

3. Perusal of record would show that though the petitioner was appointed in the year 2014 as a Farm Manager, but was soon implicated in a criminal case for the offence punishable under Section 420 IPC and for which the petitioner was also arrested and the criminal case is still pending consideration before the concerned criminal court. Meanwhile, on account of prolonged suspension, keeping in view the judgment of Supreme Court in case of Ajay Kumar Choudhary Vs. Union of India, 2015(7)SCC291 the order of suspension stood revoked on 31.10.2020.
4. What is necessary to be taken note of is that because of the petitioner getting implicated in a criminal case his probation period could not be completed and still he is not confirmed in service and a decision is yet to be taken by the authorities concerned so far as his confirmation is concerned. The petitioner has already filed a writ petition WPS No.4358 of 2020 which got disposed of on 23.11.2020 directing the University consider the same.
5. It has been informed by the University that the said issue is still under process and a decision would be taken very soon. It has also been informed by the University that new guidelines for Ph.D admission for the Assistant Professor/Scientist/Subject Matter Specialist (SMS)/Technical Assistant/Farm Manager/Programme Assistant/RA/SRF/JRF working under the University were framed in the year 2017. That as per requirement under the new guidelines permission to pursue Ph.D course would be only granted to those employees/officers who have cleared the

probation period and also who have completed minimum three years of continuous service.

6. In the instant case the petitioner was appointed in October, 2014. He stood arrested on 19.06.2018 and also stood suspended on 19.06.2018 till it was revoked on 31.10.2020. Thus, as per the guidelines the minimum requirement of three years continuous service also does not seem to have been achieved by the petitioner.
7. Given the aforesaid facts and circumstances of the case, this court is of the opinion that no strong case has been made out by the petitioner calling for issuance of an appropriate direction to the respondents permitting the petitioner to pursue Ph.D course for the academic session 2020-21.
8. Moreover, this court is not inclined to entertain the writ petition for the simple reason that the respondents have already published the list on 23.11.2020 in respect of those persons who have been found eligible for pursuing Ph.D course including the same subject in which the petitioner was interested, as such the seat for the academic session 2020-21 for which the petitioner has applied already stands exhausted and that list is not under challenge, nor that person is a party to the present writ petition. The writ petition deserves to be rejected on this ground also.
9. For all the aforesaid reasons, the writ petition deserves to be and is hereby rejected.

Sd/-  
(P. Sam Koshy)  
**Judge**