

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 4183 of 2021

Anand Prakash Rawal S/o Shri Arjun Prasad Aged About 36 Years
Presently Posted As Assistant Professor In The Department Of It, Sos In E
And T At Guru Ghasidas Central University, Koni, Bilaspur, R/o C-05, Arpa
Green Colony, Sendri, Bilaspur, Chhattisgarh

---- Petitioner

Versus

Guru Ghansidas Central University Bilaspur, Through Its Registrar, Koni,
Bilaspur, District-Bilaspur, Chhattisgarh

---- Respondent

For Petitioner	:	Mr. Mateen Siddiqui, Advocate.
For Respondent	:	Mr. Shashank Thakur, Advocate

Hon'ble Shri Justice P. Sam Koshy

Order on Board

16/08/2021

1. The grievance of the petitioner in the present writ petition is as regards the action on the part of the respondents in not relieving the petitioner for pursuing his higher studies i.e. Ph.D. in Computer Science Engineering as the petitioner stands admitted in his Ph.D. Programme in Indian Institute of Technology under Banaras Hindu University.
2. The contention of the petitioner is that after having selected for the said course his leave for pursuing the said course was also sanctioned. However the respondents are not issuing the relieving order, perhaps on the ground that, this Court in WPS 2737/2021 has vide order dated 22.06.2021 stayed the minutes of meeting held on 23.02.2021 and 26.02.2021 which also contains the resolution so far as permitting the petitioner for pursuing higher studies is concerned.

3. Learned counsel for the petitioner submits that relieving order being issued to the petitioner would not in any manner hamper the prospects of the petitioner in WPS 2737/2021 in the case of C. P. Dewangan. It is further contention of the counsel for the petitioner that petitioner in WPS 2737/2021 in fact is in the subject of Industrial and Production Engineering, whereas the petitioner herein is of a entirely different department that is Information and Technology Department.
4. Today when the matter is taken up for hearing, learned counsel for the University in WPS 2737/2021 seeks for adjournment to file reply. So far as the present writ petition is concerned, he makes a statement that the reason for non issuance of relieving order primarily seems to be the interim order in operation in WPS 2737/2021 where it appears that there is a complete stay of the decision taken in the minutes of meeting held on 23.02.2021 and 26.02.2021.
5. Learned counsel for the University submits that subject to clarification of the said order appropriate decision in the case of petitioner shall be taken by the University Authorities in accordance with the rules and procedure governing the field.
6. Learned counsel for the petitioner in WPS No. 2737/2021 Shri D.K. Swain, Advocate present during the course of the hearing also submits that the order dated 22.06.2021 passed in WPS 2737/2021 can be clarified to the extent that the said interim order granted by this Court on 22.06.2021 would be confined to the subject and department to which the petitioner C. P. Dewangan belongs and he does not have any objection if the order is modified/clarified to the aforesaid extent.
7. In view of the aforesaid submissions made by the counsel appearing on either sides, the present writ petition stands disposed of directing that the

University i.e. the respondent shall take appropriate decision in the case of petitioner so far as his claim for being relieved to pursue higher studies in accordance with the rules and procedure at the earliest.

8. It is clarified that operation of the order dated 22.06.2021 in WPS 2737/2021 would be confined to the claim of the petitioner against the department and subject to which he had applied and would not be applicable in respect of any other subject or any other department.
9. It is expected that University would take an appropriate decision before the period pertaining to the petitioner lapses.
10. With the aforesaid observation, the Writ Petition accordingly stands disposed of.

Sd/-
(P. Sam Koshy)
Judge

Rohit