



2026:CGHC:454

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (S) No. 1310 of 2019

1 - Dr. Janhavi D/o B.R. Tonde Aged About 28 Years R/o Behind Pandary Police Station, Near Water Tank, Dubey Colony, Mowa, Raipur Chhattisgarh., District : Raipur, Chhattisgarh

2 - Dr. Madhukar Patel D/o Khageshwar Patel Aged About 28 Years R/o Village Gaurbahari, P.O. Hamirpur Tamnar District Raigarh., District : Raigarh, Chhattisgarh

3 - Dr. Dileshwari W/o Mangal Singh Banjare Aged About 28 Years R/o Mig - 7, Bodhghat Colony, Housing Board, Jagdalpur, District Jagdalpur Chhattisgarh., District : Bastar(Jagdalpur), Chhattisgarh

... Petitioners

versus

1 - State Of Chhattisgarh Through Its Secretary, Department Of Agriculture, Mantralaya, Mahanadi, Bhawan, Naya Raipur, Raipur Chhattisgarh., District : Raipur, Chhattisgarh

2 - Registrar Indira Gandhi Krishi Vishwavidhyalaya, Krishak

Nagar, Naya Raipur, Raipur Chhattisgarh., District : Raipur,
Chhattisgarh

... Respondent(s)

For Petitioners : Ms. Apoorva Pandey, Advocate

For Respondent 1/State : Mr. Afroz Khan, P.L.

SB- Hon'ble Shri Justice Sanjay K. Agrawal
Order On Board

05.01.2026

1. The petitioners have filed this writ petition under Article 226 of the Constitution of India claiming the following reliefs :-

“10.1 That, this Hon'ble Court may kindly be pleased to direct the respondent state to create posts for Assistant Professors for the newly established colleges under Indira Gandhi Krishi Vishwavidhyalaya, Raipur (C.G.) in Soil and Water Engineering.

10.2 That, this Hon'ble Court may kindly be pleased to quash the order dated 25.10.2018 (Annexure P/1) issued by the Registrar, Indira Gandhi Krishi Vishwavidyalaya and issue a fresh order in respect of the posts of Assistant Professors or in addition to direct to add the qualification of M.Tech and PHD in Soil and Water Engineering as one of the posts for appointments mentioned in para 3 of impugned order.

10.3 the Hon'ble Court may kindly grant any other writ/writs, order/orders, relief/reliefs in favour of the petitioner, which the Hon'ble Court deemed fit & just in the facts and circumstances

of the case, including awarding of the costs to the petitioner.”

2. Learned counsel for the petitioners would submit that the respondent/State be directed to create posts for Assistant Professors for the newly established colleges under Indira Gandhi Krishi Vishwavidhyalaya, Raipur in soil and water engineering and accordingly, advertisement dated 25/10/2018 (Annexure P/1) be quashed which is opposed by learned counsel for the respondent/State.
3. I have heard learned counsel for the parties, considered their submissions and went through the record with utmost circumspection.
4. Having heard learned counsel for the parties and having gone through the record, I am of the considered opinion that creation of posts for Assistant Professors for the newly established colleges under Indira Gandhi Krishi Vishwavidhyalaya, Raipur in soil and water engineering is the sole prerogative of the State Government and this Court cannot issue mandamus and/or direct the respondent/State to create posts for the aforesaid University.
5. In this regard, the decision rendered by the Supreme Court in the matter of **Union of India v. Ilmo Devi**¹ may be noticed herein profitably in which their Lordships of

¹ (2021) 20 SCC 290

the Supreme Court have clearly held that High Court, in exercise of jurisdiction under Article 226 of the Constitution, cannot issue mandamus to direct Government to sanction and create posts and framing of any scheme or creation and/or sanction of posts is sole prerogative of the Government.

6. In view of the aforesaid observations, I do not find any merit in this writ petition and it is accordingly dismissed *in limine* without notice to the other side. No cost(s).

Sd/-
(Sanjay K. Agrawal)
Judge

Harneet