



2026:CGHC:4293-DB

NAFR

Digitally
signed by
ANURADHA
TIWARI
Date:
2026.01.27
17:06:41
+0530

HIGH COURT OF CHHATTISGARH AT BILASPUR

WA No. 62 of 2026

1 - High Court of Chhattisgarh Through Registrar General Bodri, Bilaspur, Distt. Bilaspur, Chhattisgarh.

2 - Principal Judge Distt. And Session Court Raipur, Distt. Raipur, Chhattisgarh.

... **Appellants**

versus

1 - Ajit Choubelal Gohar S/o Choubelal Gohar Aged About 38 Years Presently Working As Ag-III, Distt. And Sessions Court Raipur, Distt. Raipur, Chhattisgarh.

2 - State of Chhattisgarh Through Principal Secretary (Law), Mahanadi Bhawan, Atal Nagar, Naya Raipur, Distt. Raipur, Chhattisgarh.

... **Respondents**

(Cause-title taken from Case Information System)

For Appellants	:	Mr. Ashish Tiwari, Advocate
For Respondent No.1	:	Mr. Tarendra Kumar Jha, Advocate
For State/Respondent No.2	:	Mr. Shaleen Singh Baghel, Deputy Government Advocate

Hon'ble Shri Ramesh Sinha, Chief Justice

Hon'ble Shri Ravindra Kumar Agrawal, Judge

Judgment on Board

Per Ramesh Sinha, Chief Justice

27.01.2026

1 Heard Mr. Ashish Tiwari, learned counsel for the appellants as well as Mr. Tarendra Kumar Jha, learned counsel for respondent No.1 and Mr. Shaleen Singh Baghel, learned Deputy Government Advocate, appearing for the State/respondent No.2.

- 2 By way of this writ appeal, appellants have prayed for following relief(s):-

“In light of the facts and circumstances stated hereinabove, it is most humbly prayed that this Hon'ble Court may kindly be pleased to allow the present writ appeal and set aside the impugned judgment dated 10.12.2025 passed by the Hon'ble Single Judge in WPS No. 13729 of 2025 or may pass such other order as this Hon'ble Court may deem fit in the facts and circumstances of the present case.”

- 3 The present intra Court appeal has been filed against the order dated 10.12.2025 passed by the learned Single Judge in WPS No.13729/2025 (*Ajit Choubelal Gohar v. High Court of Chhattisgarh and others*), whereby the writ petition filed by the writ petitioner has been allowed.
- 4 The brief facts projected before the learned Single Judge were that respondent No. 1 was appointed as Assistant Grade-III in the establishment of appellant No. 2, i.e., Principal District and Sessions Court, Raipur, vide appointment order dated 22.09.2022, and placed on probation for three years. Condition no. 7 of the appointment order prohibited pursuing higher studies in the first year without prior permission of the Head of the Office. During probation, respondent No. 1 obtained permission from appellant No. 2 to pursue LL.B 1st Year (Session 2023-24) vide order dated 17.07.2023, and LL.B 2nd Year vide order dated

27.08.2024. The Chhattisgarh District Judiciary Establishment (Recruitment and Conditions of Service) Employees Rules, 2023 came into force on 06.10.2023. Rule 11 provides that an employee shall not appear as a regular candidate in academic examinations but may do so as a private/correspondence candidate with prior permission of the appointing authority. After completing two years, respondent No. 1 applied for permission to pursue LL.B 3rd Year (Final Year) as a regular student for Session 2025-26. Appellant No. 2 rejected the request vide order dated 04.09.2025, which was upheld by appellant No. 1 vide order dated 06.10.2025.

- 5** Aggrieved, respondent No. 1 filed WPS No. 13729 of 2025, which was admitted and allowed by the learned Single Judge on 10.12.2025, directing appellant No. 1 to grant permission for LL.B 3rd Year, holding that Rules of 2023 were not applicable due to the saving provisions under Rule 47.
- 6** Being aggrieved by the judgment dated 10.12.2025, passed by the learned Single Judge, without giving the appellants a reasonable opportunity to place their stand on record, the present writ appeal has been preferred.
- 7** Mr. Ashish Tiwari, learned counsel for the appellants submits that the learned Single Judge erred in appreciating that the orders under challenge before the Single Bench, dated 04.09.2025 and 03.11.2025, were passed strictly in accordance with Rule 11 of the

Chhattisgarh District Judiciary Establishment (Recruitment and Conditions of Service) Employees Rules, 2023, which governs the grant of permission for upgrading educational qualifications. Rule 11 clearly provides that an employee shall not be permitted to appear in any academic examination as a regular candidate; however, permission may be granted to appear as a private or correspondence candidate only with prior approval of the appointing authority.

- 8** It is submitted by Mr. Tiwari that appellant No. 2, being the appointing authority of respondent No. 1, had duly considered the request for pursuing LL.B Third Year as a regular student and rejected the same by placing reliance on the express provisions of Rule 11 of the Rules of 2023. Learned counsel further contended that the Single Judge erred in invoking the saving clause under Rule 47 of the Rules of 2023 to extend permission, whereas the said provision does not confer any vested or continuing right contrary to the express provisions of the Rules.
- 9** It is also submitted by Mr. Tiwari that the Single Judge overlooked the fact that permission to pursue higher education as a regular student directly affects the functioning and administrative discipline of the office, aspects which could not be brought to the Court's notice due to non-filing of reply by the appellants. Granting such permission in the absence of statutory authority, or contrary to existing rules, would not create any equity in favor of the

respondent, and the appellants were justified in refusing the request in accordance with the prevailing rules.

- 10** Mr. Tiwari emphasizes that the impugned judgment is contrary to the mandate of Rule 11 of the Rules of 2023, which came into force on 06.10.2023. Finally, it is submitted that the learned Single Judge erred in disposing of the writ petition on the very first date of hearing without affording the appellants a reasonable opportunity to file a reply and place relevant statutory and administrative facts on record, thereby violating the principles of natural justice.
- 11** On the other hand, Mr. Tarendra Kumar Jha, learned counsel appearing for respondent No. 1, opposed the submissions of learned counsel for the appellants and submits that respondent No. 1 had been granted permission by appellant No. 2 to pursue the first and second years of the LL.B course during his probation, and the course had commenced prior to the enforcement of the Rules of 2023. Therefore, by virtue of Rule 47 (Repeal and Saving) of the Rules of 2023, the provisions of Rule 11 could not retrospectively affect the ongoing course of study. He further submits that the Single Judge rightly allowed the writ petition, as respondent No. 1 has a legitimate expectation to continue the LL.B course without interruption, and no procedural or administrative inconvenience would arise from permitting him to complete the final year of study.

- 12 We have heard learned counsel for the parties and perused the impugned order as well as materials available on record.
- 13 After appreciating the submissions of learned counsel for the parties as also the materials on record, the learned Single Judge has passed the impugned order in following terms:-

“6. The Chhattsgarh District Judiciary Establishment (Recruitment and conditions of Services) Employees Rules 2023 (for short, The Rules 2023) have been made effective from 6-10-2023 and Rule 47 of the Rules 2023 deals with Repeal and Saving which reads as under.

47 Repeal and Saving –

All orders, instructions and circulars corresponding to these Rules in force immediately before commencement of these Rules, are hereby repealed in respect o. the matters covered by these Rules.

Provided that any order made or action taken under the Rules so repealed shall be deemed to have been made or taken under the corresponding provisions of these Rules.

7. From perusal of the aforesaid rules, it is quite vivid that in view of Rule 47 Repeal and Saving clause, the permission granted to the petitioner cannot be said to be illegal and also considering the fact the petitioner has already completed first year and second year study of LLB and if the petitioner is not allowed to complete his law graduation, definitely the career of the petitioner and his future

prospectus will be adversely affected., therefore, I am of the view that the memo dated 4-9-2025 (Annexure P/5) and order dated 3-11-2025 (Annexre P/7) deserve to be set aside and accordingly they are set aside and Registrar of High Court is directed to grant permission to the petitioner to pursue his LLB course 3rd year in the said university.

8. With the aforesaid observation and direction, this writ petition is allowed.

9. Pending interlocutory applications, if any, shall stand disposed of.”

- 14** Upon careful consideration of the submissions advanced by learned counsel for the parties, the materials on record, and the relevant statutory provisions, we are of the considered view that the learned Single Judge has committed a serious error in allowing WPS No. 13729 of 2025 without affording the appellants a reasonable opportunity to place their stand on record.
- 15** It is an undisputed fact that respondent No. 1 was appointed as Assistant Grade-III in the establishment of appellant No. 2, i.e., Principal District and Sessions Court, Raipur, on 22.09.2022, and was placed on probation for a period of three years.
- 16** Condition No.7 of the appointment order clearly prohibits pursuing higher studies in the first year without prior permission of the Head of Office. During the probation period, the respondent obtained permission to pursue the first and second years of the

LL.B course, and these permissions were granted by appellant No. 2.

- 17** Thereafter, the Chhattisgarh District Judiciary Establishment (Recruitment and Conditions of Service) Employees Rules, 2023 came into force on 06.10.2023. Rule 11 of the Rules of 2023 explicitly prohibits an employee from appearing as a regular candidate in any academic examination and permits such study only as a private or correspondence candidate, subject to prior permission of the appointing authority. Appellant No. 2, being the appointing authority of respondent No. 1, duly considered the request for pursuing LL.B Third Year as a regular student and rejected the same vide orders dated 04.09.2025 and 06.10.2025.
- 18** The learned Single Judge, in allowing the writ petition, relied upon the saving provisions under Rule 47 of the Rules of 2023. However, upon a close and careful reading of Rule 47, it is apparent that the saving clause does not confer any vested or continuing right to the respondent to pursue higher education as a regular student contrary to the express mandate of Rule 11. The learned Single Judge failed to appreciate that permission for pursuing higher education as a regular student is directly linked with administrative discipline, office functioning, and statutory compliance. The appellants were denied a reasonable opportunity to place these aspects on record, which constitutes a violation of the principles of natural justice.

19 It is further observed that granting permission in contravention of the statutory Rules does not create any equitable right in favor of the respondent. The permission sought by the respondent to pursue LL.B Third Year as a regular student, in view of the provisions of Rule 11, is expressly prohibited without prior permission, and the orders passed by appellant No. 2 were fully justified and in accordance with law. The Single Judge's approach to allow the writ petition on the first date of hearing, without notice or opportunity to the appellants, is clearly contrary to settled principles of judicial discipline and fair hearing.

20 In the result, for all the foregoing reasons:

- The present writ appeal is **allowed**.
- The impugned judgment dated 10.12.2025 passed by the learned Single Judge in WPS No. 13729 of 2025 (*Ajit Choubelal Gohar v. High Court of Chhattisgarh and others*) is hereby set aside.
- The orders passed by appellant No. 2 on 04.09.2025 and appellant No. 1 on 06.10.2025, refusing permission to the writ respondent No. 1 to pursue LL.B Third Year as a regular student, are upheld.

Sd/-
(Ravindra Kumar Agrawal)
Judge

Sd/-
(Ramesh Sinha)
Chief Justice