



2026:CGHC:25983

AFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

(Order Reserved on 19/06/2026)

(Final Order Delivered on 25 /06/2026)

(Final Order Uploaded on 25/06/2026)

WPS No. 9730 of 2025

Kanchan Rahul @ Kanchan Kaur Rajput W/o Shri C.S. Tandan Aged About 43 Years Working As Assistant Veterinary Field Officer, Poster At Out Line Dispensary, Deori, Khairagarh, Tahsil Khairagarh, District : Khairagarh-Chhuikhadan-Gandai, Chhattisgarh

--- Petitioner

versus

- 1** - State of Chhattisgarh Through Its Principal Secretary, Department of Livestock And Development, Mahanadi Bhavan, Atal Nagar, Nava Raipur, District : Raipur, Chhattisgarh
- 2** - Under Secretary Department of Livestock And Development, Mahanadi Bhawan, Atal Nagar, Nava Raipur, District : Raipur, Chhattisgarh
- 3** - The Director Department of Veterinary Science, Ground Floor, Block- I I I, Indravati Bhavan, Atal Nagar, Nava Raipur, District : Raipur, Chhattisgarh
- 4** - The Deputy Director Veterinary Services, District : Rajnandgaon, Chhattisgarh
- 5** - Chhattisgarh Kamdhenu University Through Its Registrar, Anjora, District : Durg, Chhattisgarh
- 6** - The Registrar Chhattisgarh Kamdhenu University, Anjora, District : Durg, Chhattisgarh

--- Respondents

WPS No. 9804 of 2025

Maneesh Kumar Verma S/o Shri Ram Kumar Verma Aged About 36 Years
Working As Assistant Veterinary Field Officer, Veterinary Hospital- Kundadu
Tahsil Tilda, District Raipur (C.G.)

---Petitioner

Versus

- 1 - State of Chhattisgarh Through Its Principal Secretary, Department of Livestock And Development, Mahanadi Bhavan, Atal Nagar, Nava Raipur, District Raipur (C.G.)**
- 2 - The Director, Department of Veterinary Science, Ground Floor, Block-III, Indravati Bhavan, Atal Nagar, Nava Raipur, District Raipur (C.G.)**
- 3 - The Joint Director, Veterinary Services, District Raipur (C.G.)**
- 4 - Chhattisgarh Kamdhenu University, Through Its Registrar, Anjora, District Durg (C.G.)**
- 5 - The Registrar, Chhattisgarh Kamdhenu University, Anjora, District Durg (C.G.)**

--- Respondents

WPS No. 10191 of 2025

Yashwant Kumar Sinha S/o Kaushal Kumar Sinha Aged About 41 Years Posted
As Assistant Veterinary Field Officer At Governenment Vet. O.L.D., Tedesara,
Rajnandgaon, District - Rajnandgaon Chhattisgarh R/o Naya Dhaba, Ward No.
4, Rajnandgaon, District Rajnandgaon Chhattisgarh

---Petitioner

Versus

- 1 - State of Chhattisgarh Through Its Registrar, Anjora, District Durg Chhattisgarh**
- 2 - Under Secretary Department of Livestock And Development, Mahanadi Bhavan, Atal Nagar, Nava Raipur, District - Raipur Chhattisgarh**
- 3 - The Director Department of Veterinary Science, Ground Floor, Block-III, Indravati Bhavan, Atal Nagar, Nava Raipur, District - Raipur Chhattisgarh**
- 4 - The Deputy Director Veterinary Services, District - Rajnandgaon Chhattisgarh**

- 5 - Chhattisgarh Kamdhenu University Through Its Registrar, Anjora, District Durg Chhattisgarh
- 6 - The Registrar Chhattisgarh Kamdhenu University, Anjora, District Durg Chhattisgarh

--- Respondents

WPS No. 10126 of 2025

Kalyani Nirmalkar W/o Shri Arun Kumar Nirmalkar Aged About 37 Years Working As Assistant Veterinary Field Officer, Posted At Main Village Unit, Chandkuri, District- Durg (C.G.)

---Petitioner

Versus

- 1 - State of Chhattisgarh Department of Livestock and Development, Mahanadi Bhawan, Atal Nagar, Nava Raipur, District- Raipur (C.G.)
- 2 - Under Secretary Department of Livestock And Development, Mahanadi Bhawan, Atal Nagar, Nava Raipur, District- Raipur (C.G.)
- 3 - The Director Department of Veterinary Science, Ground Floor, Block-III, Indravati Bhawan, Atal Nagar, Nava Raipur, District- Raipur (C.G.)
- 4 - The Deputy Director Veterinary Services, District- Durg (C.G.)
- 5 - Chhattisgarh Kamdhenu University Through Its Registrar, Anjora, District- Durg (C.G.)
- 6 - The Registrar Chhattisgarh Kamdhenu University Anjora, District- Durg, Chhattisgarh.

--- Respondents

(Cause-title taken from Case Information System)

For Petitioners	:	Mr. Manish Nigam, Advocate
For Respondents/State	:	Mr. Y.S. Thakur, Additional AG along with Ms. Sakshi Bajpai, PL
For Respondents-Chhattisgarh: Kamdhenu University		Mr. Shashank Thakur, Advocate
For Intervener in WPS No.9730 of 2025		Mr. Gagan Tiwari, Advocate

Hon'ble Shri Justice Bibhu Datta Guru, Judge

C A V Order

1. Since the facts and grounds involved in these petitions are similar & identical, therefore, they are being considered and decided by this common order.
2. For the sake of convenience, the pleadings and the documents of WPS No. 9730/2025 are being referred.
3. By these petitions, the petitioners are challenging the orders dated 12/10/2020 & 03/12/2020 (Annexure P/1) whereby the State Government has directed the Director, Department of Veterinary Science not to send the Assistant Veterinary Field Officers to prosecute the studies of Bachelor of Veterinary Science and Animal Husbandry Course (B.V.Sc. & A.H. Graduate Course) on the expenses of State Government until further orders. The petitioners are also challenging the order dated 24-03-2025 whereby the Deputy Director, Veterinary Services, District Rajnandgaon, C.G. has returned back the applications of the respective petitioners by referring to the orders dated 12/10/2020 and 03/12/2020. The petitioners further sought a direction towards the respondent authorities to relieve the petitioners to pursue the B.V.Sc and A.H. Graduate Course in the establishment of Chhattisgarh Kamdhenu University, Anjora, District Durg, (for brevity 'the University') as a departmental candidate. They also sought a direction towards the respondent authorities to grant admission to the petitioners in the aforesaid course as an in-service candidate pursuant to NEET-2025 examination.

4. The brief facts of the case are that the petitioners were appointed on the post of Assistant Veterinary Field Officer in the Veterinary Department of the State of Chhattisgarh. The post of Assistant Veterinary Field Officer constitutes the feeder cadre for promotion to the post of Veterinary Assistant Surgeon under the provisions of the Chhattisgarh Veterinary (Gazetted) Recruitment Service Rules, 2011 (henceforth 'the Rules, 2011'). Under Schedule-II read with Schedule-IV and Rule 14 of the Rules, 2011, promotion to the post of Veterinary Assistant Surgeon is prescribed from amongst Assistant Veterinary Field Officers possessing the degree of Bachelor of Veterinary Science and Animal Husbandry (B.V.Sc. & A.H.) along with the requisite length of service. Thus, acquisition of the B.V.Sc. & A.H. qualification is an essential eligibility condition for consideration for promotion to the higher post. The petitioners, having completed more than five years of substantive service, appeared in the NEET-UG Examination, 2025 and secured qualifying marks for admission to the B.V.Sc. & A.H. course as a departmental candidate. However, permission sought for by the petitioner to pursue the said course was denied by communications/orders dated 12.10.2020, 03.12.2020 and thereafter by order dated 24.03.2025. Aggrieved by the denial of permission and consequential refusal to relieve them for admission in the course, the present writ petitions have been filed.
5. (a) Learned counsel for the petitioners would submit that the issue regarding admission of departmental candidates from the Veterinary Department has already been adjudicated by this Court in WPS

No.4752/2024 (*Tosh Kumar Sinha v. State of Chhattisgarh and others*)

and other connected matters, wherein similarly situated Assistant Veterinary Field Officers were permitted to pursue the B.V.Sc. & A.H. Course as departmental candidates. The said judgment was affirmed by the Division Bench in writ appeal and the challenge before the Hon'ble Supreme Court was also dismissed. The petitioner, therefore, claims parity with the beneficiaries of the aforesaid judgment.

(b) Learned counsel would further submit that the subsequent Bachelor of Veterinary Science and Animal Husbandry Course Admission Rules, 2025 (hereinafter referred to as 'the Admission Rules, 2025') sought to be relied upon by the respondents were brought into force during the admission process and cannot retrospectively defeat the vested rights accruing under the Rules, 2011 and the Bachelor of Veterinary Science and Animal Husbandry Course Admission Rules, 2020 (for short 'the Admission Rules, 2020') which were in force when the admission process commenced. He would next submit that Promotion under the Rules, 2011 necessarily requires B.V.Sc. & A.H. qualification and Schedule-II, Schedule-IV and Rule 14 of the Rules, 2011 clearly contemplate promotion from the cadre of Assistant Veterinary Field Officer to the post of Veterinary Assistant Surgeon. Learned counsel for the petitioners would further submit that the petitioners are working as Assistant Veterinary Field Officer and their next promotional post is Assistant Veterinary Surgeon. For the said post the required qualification is that the candidate should have passed the graduation examination in Veterinary Science from Departmental

Candidate Capacity with 5 years Service Experience and as such if the petitioners are not relieved to prosecute their further studies they may suffer irreparably and the promotional avenues of the petitioners may be affected adversely as the denial of permission to pursue the course would permanently deprive the petitioners of promotional avenues guaranteed under the statutory Recruitment Rules.

(c) Learned counsel would next submit that the issue is no longer *res integra* in view of the judgment rendered by this Court in ***Tosh Kumar Sinha*** (supra), wherein similarly placed Assistant Veterinary Field Officers were permitted to undertake the B.V.Sc. & A.H. Course as departmental candidates. The said judgment has attained finality after dismissal of the writ appeals and the challenge before the Hon'ble Supreme Court. Consequently, the petitioners are entitled to identical treatment on the principle of parity and Article 14 of the Constitution.

(d) According to the petitioner the admission notice was issued on 07/08/2025 whereas the notification has been issued on 09/09/2025 and as such the same is not applicable to the facts of the present case. Learned counsel would further submit that Section 41(5) of the Chhattisgarh Kamdhenu Vishwavidyalaya Act, 2011 (hereinafter referred to as 'the Act, 2011') (Gazette dated 01.10.2011), which provides that a statute passed by the Executive Council shall have no validity unless it has been assented to by the Chancellor. It is argued that the Admission Rules, 2025, relied upon by the respondents to deny admission to departmental candidates, were not shown to have received the mandatory assent of the Chancellor as required under Section 41(5).

Therefore, in absence of compliance with the statutory requirement, the said Rules lack legal sanctity and cannot override either the Rules, 2011 or the rights already accrued to departmental candidates.

(e) It is further submitted that the petitioners appeared in NEET-UG, 2025 when the Admission Rules, 2020 were governing the field. The petitioners qualified the examination and became eligible for admission under the existing framework. Thereafter, in the midst of the admission process, the respondents sought to enforce the Admission Rules, 2025. Such midstream alteration of eligibility conditions is arbitrary, unreasonable and impermissible in law. According to the petitioners, rights crystallized on the date when the admission process commenced and the petitioners qualified NEET and, as such the respondents cannot defeat such rights by introducing a new set of Admission Rules after commencement of the admission process. Any such action would be contrary to settled principles governing admissions and selection processes. Respondents cannot take advantage of their own procedural lapse.

(f) Learned counsel would next submit that if the Admission Rules, 2025 were not validly approved in accordance with the provisions of the Act, 2011 and, as such, the respondents cannot rely upon such Rules to deny admission. The respondents cannot be permitted to take advantage of their own failure to comply with mandatory statutory requirements. It is further submitted that several similarly situated departmental candidates have already been granted admission pursuant to the judgment in *Tosh Kumar Sinha* (supra) and connected matters. Denial

of identical relief to the petitioners amounts to hostile discrimination and violates Articles 14 and 16 of the Constitution. He would lastly submit that the orders dated 12.10.2020, 03.12.2020 and 24.03.2025 are assailed as arbitrary, unreasonable and contrary to the Recruitment Rules, 2011, the law laid down in ***Tosh Kumar Sinha*** (supra), and the provisions of the Act, 2011. Therefore, the petitioners seek quashment of the impugned orders and a direction to permit and relieve them for pursuing the B.V.Sc. & A.H. Course as a departmental candidates.

6. (I) Learned counsel for the State as well as learned counsel for the Chhattisgarh Kamdhenu University, *ex adverso*, would submit that the petitioners have no enforceable right to seek admission as an in-service/departmental candidate for the Academic Session 2025-26. The right claimed by the petitioners is founded upon the erstwhile Admission Rules, 2020 and the Rules, 2011. However, the field is now governed by the Admission Rules, 2025, which came into force for the Academic Session 2025-26 and do not provide any reservation or quota for in-service candidates belonging to the Veterinary Department of the State Government. The reliance placed by the petitioners upon the Rules, 2011 is misconceived. The said Rules merely prescribe eligibility conditions for appointment or promotion. According to the learned counsel, the Rules, 2011 neither create a vested right to admission in the B.V.Sc. & A.H. Course nor cast any obligation upon the University to reserve seats for departmental candidates. Admission to the B.V.Sc. & A.H. Course is exclusively governed by the extant Admission Rules, 2025 framed by the University.

(II) Learned counsel would next submit that the petitioners cannot seek parity of the decision rendered by this Court in ***Tosh Kumar Sinha*** (supra) because the relief granted therein was in the peculiar facts prevailing during Academic Session 2024-25 when the Admission Rules, 2020 were in force and departmental quota seats were available. The factual and statutory framework has undergone a material change thereafter. According to the learned counsel for the Respondents, the authorities have taken a decision not to send the candidates to prosecute the said Course particularly considering the acute shortage of staff; administrative exigency; as also the workload. They would further submit that the decision rendered by this Court in the matter of ***Tosh Kumar Sinha*** (Supra) would not be applicable in the facts of the present case because in the said decision this Court categorically observed that it is an exceptional case without treating it as precedent. Consequently, the said judgment cannot be mechanically extended to Academic Session 2025-26.

(III) They would next submit that the Admission Rules, 2025 were validly brought into force prior to commencement of the admission process for Academic Session 2025-26. The records demonstrate that in the 25th Meeting of the Executive Council held on 30.07.2025, a decision was taken regarding the Admission Rules applicable to the B.V.Sc. & A.H. Course. Pursuant thereto, the admission notification was issued on 07.08.2025 inviting applications for admission for Academic Session 2025-26. Therefore, on the date the admission process commenced, the governing framework was the Admission Rules, 2025 and not the

superseded Admission Rules, 2020. They would next submit that the petitioners' challenge founded upon Section 41(5) of the Act, 2011 is wholly misconceived. Section 41(5) applies only to a "Statute" framed by the Executive Council requiring assent of the Chancellor. The document relied upon by the petitioners is not a Statute as per Section 2 (xxi) of the Act, 2011. It is merely an administrative notification/admission notification issued for regulating the admission process for a particular academic session. Therefore, the requirement of assent contemplated under Section 41(5) has no application to the present case.

(IV) Learned counsel would next submit that without prejudice, the notification dated 09.09.2025 merely evidences implementation of the admission framework already approved by the Executive Council of the University in its 25th meeting dated 30.7.2025. The petitioners seek to equate an admission notification with a statutory instrument. Such an interpretation is legally unsustainable. The admission notification neither creates nor amends a Statute; it only operationalizes the admission process for the relevant academic session. According to the learned counsel the material placed on record, including the subsequent policy decisions and the admission framework applicable for Academic Session 2025-26, clearly indicate that the earlier concept of earmarked departmental seats and departmental induction for promotion has been discontinued. Consequently, the petitioners cannot assert any vested or accrued right based upon a promotional channel which is no longer recognized under the prevailing regime. They would further submit that

the University is bound by the Admission Rules, 2025 and cannot create a separate category or reservation in favour of departmental candidates in absence of any enabling provision. Rule 19 of the Admission Rules, 2025 prescribes the admission schedule and the last date for admission. The admission process has already progressed substantially and the academic session has commenced. Granting admission *de hors* the Admission Rules, 2025 would amount to rewriting the statutory admission framework and would adversely affect other eligible candidates.

(V) According to the learned counsel for the respondents, the petitioners cannot invoke Article 14 to perpetuate a benefit which is not available under the prevailing Rules. Equality can be claimed only amongst persons governed by the same legal regime. Since the candidates who were granted relief in Academic Session 2024-25 were governed by a different set of Admission Rules, the petitioner cannot seek parity with them after the introduction of the Admission Rules, 2025. Therefore, the writ petitions deserve to be dismissed, as the petitioners seek enforcement of a claim founded upon superseded provisions and seeks extension of benefits granted under an entirely different statutory framework which is no longer in force. The admission process for Academic Session 2025-26 is governed solely by the Admission Rules, 2025 and the petitioners are not entitled to admission as a departmental candidate thereunder and the present petitions are liable to be dismissed.

7. I have heard learned counsel for the parties and perused the documents brought on record.
8. The principal contention of the petitioners is that the post of Assistant Veterinary Field Officer constitutes the feeder cadre for promotion to the post of Veterinary Assistant Surgeon and, therefore, they are entitled to be relieved for pursuing the B.V.Sc. & A.H. course as in-service candidates. The submission, though attractive at first blush, does not withstand scrutiny.
9. A careful examination of the Rules, 2011 reveals that the Rules merely prescribe the mode of recruitment and eligibility conditions for appointment and promotion. The Rules do not confer any right upon a serving employee to insist upon admission in a professional course nor do they cast any obligation upon the State Government or the University to reserve seats for departmental candidates.
10. The material placed by the respondent-University demonstrates that admissions for the Academic Session 2025-26 are governed by the Admission Rules, 2025 pursuant to the decision taken by the Executive Council in its 25th meeting held on 30.07.2025, whereafter the admission notification was issued on 07.08.2025. Significantly, neither the Admission Rules, 2025 nor the admission notification provide for any quota or reservation in favour of in-service candidates belonging to the Department of Animal Husbandry. In absence of any such provision, no mandamus can be issued directing creation of a category which the governing rules themselves do not recognize.

11. The submission of the petitioners that a vested right had accrued in their favour for admission in B.V.Sc. & AH course is concerned, the right, if any, is required to be tested on the basis of the admission framework prevailing on the date when the admission process commences and admissions are actually undertaken. The material placed on record demonstrates that prior to issuance of the admission notification dated 07.08.2025, the Executive Council in its 25th Meeting held on 30.07.2025 had already approved the admission framework governing Academic Session 2025-26. Consequently, on the date the admission process commenced, the field stood occupied by the Admission Rules, 2025 and not by the earlier admission regime. Therefore, no vested or accrued right can be claimed by the petitioners on the basis of any superseded admission arrangement.
12. On bare perusal of the material available on record, it is apparent that the notification dated 09/09/2025 has been issued by the University wherein it has been categorically mentioned that, pursuant to agenda No. 25.24 of the 25th meeting of the Executive Council held on 30/07/2025, a decision was taken approving and recommending the Admission Rules, 2025 prepared for admission to the First Year B.V.Sc. & A.H. course in the College of Veterinary Science and Animal Husbandry, Anjora, Durg. Thus, the aforesaid decision stood taken by the University much prior to the issuance of the admission notice dated 07/08/2025.
13. Learned counsel for the petitioners has placed heavy reliance upon the order passed by this Court in *Tosh Kumar Sinha* (supra) and other connected matters. A careful reading of the said judgment, however,

reveals that the relief granted therein was founded upon peculiar facts and special circumstances obtaining in those cases. The Court itself expressly clarified that the direction was being issued as an exceptional measure and was not to be treated as a precedent. Therefore, the said decision cannot be construed as laying down a binding principle applicable irrespective of the subsequently changed factual and regulatory framework governing admissions for the academic session 2025-26. The relevant observations contained in paragraph 9 of the said judgment read as under:

“9. According to the petitioners, under respondents No.4 & 5 University four seats for B.V.Sc. and AH Degree Courses are reserved every year for a departmental candidate from the State of Chhattisgarh and these four seats for the present academic year are still lying vacant and the petitioners can be accommodated against the same. According to the petitioners, in case, if they do not get the permission now, it will be a permanent disqualification for the petitioners for being considered for promotion to the post of Veterinary Assistant Surgeon as in the coming years they would not be entitled to firstly appearing in the NEET Examinations. In the process, they would not be able to obtain the degree in B.V.Sc. & AH Courses. Therefore, for want of graduation as a departmental candidate, the petitioners would lose their chance of being considered for promotion for all times to come which will have a cascading effect on the career of the petitioners.”

14. Further, paragraph 22 of the said judgment specifically records:

“22. Given the judicial pronouncements referred to in the

preceding paragraphs and relief which has been granted under similar circumstances both by the Hon'ble Supreme Court as also by the Hon'ble High Court of Delhi in a couple of matters, this court is of the view that the petitioners herein also who have been wrongly deprived admission in the B.V.Sc. and AH Course in the academic session of 2024-25 be admitted for the B.V.Sc. and AH Course in the next academic session of 2025-26. The respondents are accordingly directed as an exceptional case without treating it as a precedent to ensure that the petitioners are granted permission to partake in the B.V.Sc. Course in the next academic session treating them to be cleared for the said Course by virtue of the petitioners having successfully cleared the NEET Examination in the year 2024. Further respondent No. 4 & 5- University also is directed to take all necessary steps in accommodating the petitioners in the B.V.Sc. and AH Course in the next academic session 2025-26."

15. The aforesaid extracts leave no manner of doubt that the relief granted in the earlier batch of petitions was expressly confined to the special circumstances prevailing therein and was not intended to operate as a precedent. In the present cases, the governing field is occupied by the Admission Rules, 2025 and the admission notification issued thereunder. The material placed on record further demonstrates that no seat stands earmarked for in-service candidates of the Animal Husbandry Department under the prevailing admission regime. Moreover, the very foundation of the petitioners' claim, namely the availability of a promotional avenue requiring acquisition of B.V.Sc. & A.H. qualification, has undergone a substantial change in view of the

subsequent decision of the State Government. Consequently, no enforceable legal right survives in favour of the petitioners so as to warrant issuance of a writ of mandamus. The reliance placed upon the earlier decision is therefore misconceived and does not advance the case of the petitioners.

16. With regard to the submission of the petitioners that no assent of the Chancellor has been obtained with regard to the decision of the Executive Council is concerned, Section 41(5) of the Act, 2011 provides that a statute passed by the Executive Council shall be submitted to the Chancellor who may assent thereto or withhold his assent and a statute passed by the Executive Council shall have no validity unless it has been assented to by the Chancellor.
17. A plain reading of Section 41(5) makes it evident that the requirement of assent of the Chancellor is attracted only in respect of a “Statute” framed under the provisions of the Adhiniyam. The petitioners have not been able to place any material demonstrating that the admission framework relied upon by them constituted a Statute. Mere resolutions of the Executive Council, policy decisions governing admissions or admission notifications issued for a particular academic session do not automatically acquire the character of a Statute. In absence of any material establishing that the admission framework relied upon by the petitioners was a Statute requiring assent of the Chancellor, the challenge founded upon Section 41(5) cannot be sustained.
18. A plain reading of the aforesaid provision makes it manifest that a

proposal, resolution or decision of the Executive Council does not attain the status of a Statute merely upon its approval by the Executive Council. A Statute acquires legal validity only upon receiving the assent of the Chancellor. In the absence of such assent, the same does not have statutory force. In the present case, the document relied upon by the petitioners is, on its own showing, merely a notification governing admissions. No material has been brought on record to demonstrate that the said notification was ever enacted as a Statute under Section 41 of the Adhiniyam and thereafter assented to by the Chancellor as mandated under Section 41(5). Consequently, the notification relied upon by the petitioners cannot be treated as a Statute having force of law.

19. On the contrary, the material placed by the respondents reveals that the admission process for the Academic Session 2025-26 is governed by the Admission Rules, 2025 and the admission notification issued pursuant to the decision taken by the Executive Council in its 25th meeting held on 30.07.2025, followed by the admission notification dated 07.08.2025. Neither the Rules of 2025 nor the admission notification provide for any reservation or earmarked quota in favour of in-service candidates of the Animal Husbandry Department. Therefore, the petitioners cannot seek enforcement of a condition allegedly flowing from an earlier notification which does not possess statutory character and which, in any event, stands eclipsed by the subsequently applicable admission framework. A notification lacking statutory force cannot override the governing Admission Rules, 2025 nor can it create an enforceable right in favour of the petitioners. The contention founded upon Section 41 (5) of the Act,

2011 is, therefore, liable to be rejected. It is worthwhile to mention here that a Writ Petitioner cannot invoke Article 14 of the Constitution of India to claim or perpetuate the benefit that is not sanctioned by the prevailing statutory rules, regulation or governing policy.

20. Much emphasis was laid by the petitioners upon the fact that the judgment rendered in *Tosh Kumar Sinha* (supra) was affirmed in writ appeal and the challenge before the Hon'ble Supreme Court was not entertained. However, the dismissal of a writ appeal or refusal of special leave does not have the effect of enlarging the ratio of a judgment beyond the facts in which it was rendered. Since the earlier judgment itself expressly records that the relief was granted as an exceptional measure and was not to be treated as a precedent, the petitioners cannot claim extension of the said relief irrespective of the subsequently prevailing admission framework.
21. The principal submission of the petitioners is that denial of permission to pursue the B.V.Sc. & A.H. Course would adversely affect their future promotional prospects. However, even assuming such submission to be correct, the existence of a promotional avenue cannot by itself create a corresponding enforceable right to claim admission in a professional course. The source of any such right must be found in the governing admission framework. Since neither the Admission Rules, 2025 nor the admission notification issued thereunder recognize any quota or separate category for departmental candidates, the petitioners cannot claim admission as a matter of right merely on the basis of service conditions governing promotion. The petitioners have also sought to derive support

from orders passed in favour of certain employees in earlier years. However, those cases arose in a different factual and regulatory backdrop and cannot govern admissions under the present regime. It is also not in dispute that the admission process for Academic Session 2025-26 has substantially progressed. Interference at this stage would unsettle an admission process undertaken in accordance with the prevailing admission framework.

22. Upon cumulative consideration of the material available on record, this Court finds that the claim advanced by the petitioners is based primarily upon the Rules, 2011, the earlier admission framework and the judgment rendered in *Tosh Kumar Sinha* (supra). However, none of the said circumstances confer an enforceable legal right to seek admission as a departmental candidate for Academic Session 2025-26. The Rules, 2011 merely prescribe eligibility conditions for promotion and do not create any corresponding right to admission in a professional course. The admissions for Academic Session 2025-26 are admittedly governed by the Admission Rules, 2025, which do not provide any reservation, quota or separate category for in-service candidates of the Animal Husbandry Department. The challenge founded upon Section 41(5) of the Act, 2011 also does not merit acceptance for the reasons recorded hereinabove. Consequently, the petitioners have failed to establish either infringement of any statutory provision or existence of any enforceable legal right warranting interference under Article 226 of the Constitution of India.
23. It is trite law that a writ of mandamus can be issued only where the petitioner establishes a subsisting legal right and a corresponding public

duty on the part of the respondent authority. In the facts of the present case, neither requirement stands satisfied. The relief sought by the petitioners would effectively require this Court to rewrite the admission framework governing Academic Session 2025-26, which is impermissible in exercise of jurisdiction under Article 226 of the Constitution.

24. For all the aforesaid reasons, this Court is of the considered opinion that the impugned action neither suffers from arbitrariness, mala fides nor violation of any statutory provision. No ground is made out for issuance of a writ of mandamus directing the respondents either to create a category not contemplated under the governing the Admission Rules, 2025 or to grant admission to the petitioners *de hors* the applicable admission framework. The writ petitions, therefore, being devoid of merit, deserve to be and are accordingly dismissed. No order as to costs.
25. Consequently, all the writ petitions, being devoid of merit, deserve to be and are accordingly dismissed. No order as to costs.

SD/-
(Bibhu Datta Guru)
JUDGE

Ashu

HEAD NOTE

A Writ Petitioner cannot invoke Article 14 of the Constitution of India to claim or perpetuate the benefit that is not sanctioned by the prevailing statutory rules, regulation or governing policy.