



IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE VISHAL MISHRA

ON THE 8th OF JANUARY, 2025

WRIT PETITION No. 16419 of 2024

BHAGVAN SINGH

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

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Appearance:

Shri Amitabh Gupta - Advocate for petitioner.

Shri A.S. Baghel - Government Advocate for respondents No.1 and 2/State.

Shri Siddhartha Sharma - Advocate for respondent No.3.

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WITH

WRIT PETITION No. 28473 of 2024

SUDHEER SINGH

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

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Appearance:

Shri Amitabh Gupta - Advocate for petitioner.

Shri A.S. Baghel - Government Advocate for State.

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WRIT PETITION No. 31704 of 2024

PRATIBHA NARWARIA,

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

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Appearance:

Shri Amitabh Gupta - Advocate for petitioner.

Shri A.S. Baghel - Government Advocate for State.

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ORDER

Since the controversy involved in these petitions are identical, they are



being heard and decided by this common order. For the sake of convenience facts and grounds stated in Writ Petition No.16419 of 2024 are taken into consideration.

2. The present petition has been filed seeking the following reliefs:-

"7.1. a writ or direction in the nature of Certiorarified Mandamus invalidating the impugned select list annexure P-4 directing the Respondent No.3 to reframe the select list after segregating the application forms by way of sorting them according to the eligibility possessed by the candidates for the respective posts, so that unfilled subject posts could be filled with eligible candidates like the Petitioner.

7.2. any other relief which the Hon'ble Court may deem fit in the facts and circumstances of the petition."

3. The case of the petitioner is that respondent No.3 advertised Group-2 (Sub Group-4) Recruitment Exam, 2022 for various posts including the post of Sahayak Nagar Niveshak and Sahayak Atikraman Nirodhak Adhikari. The petitioner is possessing the required qualification and is having master's degree in Town Planning has applied for the various posts. The respondent No.3 has accepted the forms from the candidates, who does not even possess the requisite qualification and permitted them to take the combined test for those post also. The cut off was fixed and the employee-wise merit list was declared for all the posts irrespective of the fact whether the qualifying candidates possess the requisite qualifications or not. The candidates having secured merit position, though having no qualifications for the subject posts have to face rejection of their candidatures for the post at the time of verification of documents and the post remained vacant on account of ineligible candidates securing merit position in the select list and an anomalous situation is being created by the respondent No.3 in considering



the cases of those candidates, who does not even possess the required qualification. The petitioner being aggrieved by the arbitrary selection procedure adopted by the respondent No.3 for appointment on various posts including the subject posts, in various Municipal Corporations, by way of combined recruitment test has filed this petition.

4. During the pendency of the petition, an application for seeking interim direction was filed being I.A. No.19480 of 2024 pointing out the fact that the appointing authority for the Patwaris has organized third round of counselling for filling the vacant post of Patwaris, advertised under the same advertisement wherein, the post of Sahayak Nagar Niveshak and Sahayak Atikraman Nirodhak Adhikari were advertised, but the authorities are not organizing counselling for the post of Sahayak Nagar Niveshak and Sahayak Atikraman Nirodhak Adhikari for the reasons best known to them. In view whereof, the petitioner is seeking a direction to the concerned Municipal Corporations to conduct counselling for the unfilled post of Sahayak Nagar Niveshak and Sahayak Atikraman Nirodhak Adhikari. The said application was duly responded by the authorities. It is argued that there is no justification being given by the authorities not to organize counselling for the said posts.

5. On notice being issued a reply has been filed by the authorities denying all the contentions. It is argued that the petitioner participated in the aforesaid recruitment examination and secured 97.05 marks. The petitioner has not raised any objection at the time of advertisement issued by the answering respondent nor did he challenge any of the conditions stipulated



therein prior to appearing in the examination. After the examinations are held and the list of successful candidates have been prepared the petitioner has chosen to challenge the same by way of filing the petition, the same is not permissible. It is argued that the authorities are moving ahead for counselling with respect to the other departments based upon the merit list. The documents of several candidates are required to be scrutinized at the verification stage and if the candidate is found not having the required qualification, his candidature will not be considered. It is argued that it is within the domain of the respondent authorities to conduct the counselling. The counselling as far as post of Sahayak Nagar Niveshak and Sahayak Atikraman Nirodhak Adhikari is to be conducted by the respective Municipal Corporations, the State has no role to play in the process.

6. Counsel appearing for the petitioner has filed a rejoinder drawing attention of this Court to documents Annexures P-7 and P-8 i.e. the letters written by the Joint Director, Urban Administration and Development, Bhopal wherein it is mentioned that the counselling is to be carried out by the State authorities and appointment orders are to be issued by the said authorities. Despite of the same they have not chosen to conduct counselling as far as the case of the petitioner is concerned for the respective posts. Therefore, he has prayed for a limited directions to the authorities to organize the counselling with respect to the post in question as several posts are lying vacant in the department and as the petitioner being the qualified candidate and his name finds place in the list are being denied from his legitimate claim.



7. The petitioners in Writ Petition No.28473 of 2024 and Writ Petition No.31704 of 2024 are also aggrieved by the arbitrary selection procedure adopted by the respondent No.3 for appointment on various posts including the subject posts, in various Municipal Corporations.

8. Counsel appearing for the State fairly submits that it is within the domain of the respective Municipal Corporations to conduct the counselling for the post of Sahayak Nagar Niveshak and Sahayak Atikraman Nirodhak Adhikari. Appropriate directions will be issued to the respective Municipal Corporations to conduct the counselling with respect to the aforesaid posts in question.

9. Counsel appearing for the petitioners after arguing at length has confined his arguments to the extent that direction be issued to the State authorities to either conduct the counselling for the posts of Sahayak Nagar Niveshak and Sahayak Atikraman Nirodhak Adhikari themselves or through the respective Municipal Corporations as there are several posts lying vacant subject to verification of the fact that the candidates possessed the requisite qualifications to hold the post in question.

10. If the arguments addressed before this Court are considered then it is for the State Government to issue directions with respect to organizing the counselling for the posts in question. As it is stated by the State Counsel that the matter will be taken care of and a direction will be issued for holding counselling in the matter, this Court without entering into the merits of the matter deems it appropriate to disposed off the writ petitions with a direction to the respondents No.1 and 2 consider the grievances of the petitioners and



issued directions for counselling for the posts of Sahayak Nagar Niveshak and Sahayak Atikraman Nirodhak Adhikari to be conducted by the State authorities or by the respective Municipal Corporations. The counselling will be conducted on the basis of the merit list. The documents and the required qualification of the candidates will be examined by the authorities and only thereafter the appointment orders will be issued. The authorities will scrutinize the qualification of the candidates also. This direction has been issued to the respondents No.1 and 2 considering the fact that direction for organizing of counselling for other departments on various posts is being issued by the State Government from time to time except for the present department for the reasons best known to the authorities.

11. These petitions are disposed off with the aforesaid directions to the respondents No.1 and 2. The entire exercise for conducting counselling be completed within a period of 90 days from the date of receipt of certified copy of this order.

(VISHAL MISHRA)
JUDGE

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