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WP-3954-2025

IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE

BEFORE

HON'BLE SHRI JUSTICE SUBODH ABHYANKAR

ON THE 2nd OF MAY, 2025WRIT PETITION No. 3954 of 2025*MINAKSHI**Versus**GENERAL ADMINISTRATION DEPARTMENT AND OTHERS*

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Appearance:

Shri Jayesh Gurnani - advocate for the petitioner.

Shri Raghav Shrivastava - appearing on behalf of Advocate General.

Shri Dev Singh on Behalf of Shri Manu Maheshwari - advocate for
respondent.

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ORDER

1. This writ petition has been filed by the petitioner under Article 226
of the Constitution of India seeking the following reliefs:-

"7.1 That, the instant petition may kindly be allowed and the impugned selection list dated 06/01/2025 issued by the respondent no.2 may kindly be quashed.

7.2 That, the respondents may kindly be directed to consider the candidature of petitioner by freshly preparing OBC Female category merit list:

7.3 That, the respondents may kindly be directed to shift/migrate 15 OBC Female category candidates in UR Female category merit list and thereafter to issue fresh OBC Female category merit list:

7.4 That, the cost of instant petition may also be awarded to the petitioner and any other relief which this Hon'ble Court may deems fit in the interest of justice, equity and good conscience may also be granted in favour of the petitioner."

2. The petitioner is aggrieved by the selection list dated 06/01/2025 whereby the name of petitioner has been excluded from selection. The case



of the petitioner is that she had participated in the entrance examination of Rural Agricultural Extension Officer (Class-III) advertised on 06/04/2023, and as per the final result, her name appears at Sr. No.10 of waiting list dated 02/02/2024 against the OBC category. The petitioner's grievance is that after the final results were declared, many candidates who were selected, did not join, as a result of which, various vacancies have arisen, however, the respondents, instead of following the Rule No.11.2 and 11.3 of Madhya Pradesh Kanishtha Seva (Sanyukta Aharta) Pariksha Niyam, 2013, have selected only UR category persons against the vacancies on account of non-joining of the UR category persons.

3. Counsel for the petitioner has drawn the attention of this Court to Rule 11.2 and 11.3 of the aforesaid Rules of 2013 which provides that any candidate belonging to the reserved category is selected in the unreserved category, in that case, his/her candidature shall be considered only under the unreserved category, and shall not be considered towards reserved category, whereas, Rule 11.3 provides that a person belonging to reserved category shall be adjusted towards the unreserved category, if it is found that otherwise he/she has secured the same marks as that of the unreserved category candidate. Counsel has submitted that the respondents have adopted a procedure that those vacancies left by the unreserved category are being filled by the unreserved category only instead of all the categories, and thus, it is submitted that the respondents may be directed to follow the proper procedure.

4. Learned counsel for the respondents, on the other hand, have



opposed the prayer and it is submitted that no case for interference is made out. Although, no reply has been filed despite availing the last opportunity.

5. Heard learned counsel for the parties and perused the documents filed on record.

6. On due consideration of submissions and on perusal of the documents filed on record, this Court is inclined to dispose of this petition with a direction to the respondents No.2/3 to follow the proper procedure as prescribed under Rule 11.2 and 11.3 of the Rules of 2013, and after following the aforesaid procedure, if it is found that the petitioner is also entitle to be given appointment, the same shall be extended to her within a further period of two months after issuing the new selection list.

7. Accordingly, writ petition stands allowed and *disposed of*.

(SUBODH ABHYANKAR)
JUDGE