



**IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR**

BEFORE

HON'BLE SHRI JUSTICE SANJAY DWIVEDI

ON THE 22nd OF DECEMBER, 2022

WRIT PETITION No. 29064 of 2022

BETWEEN:-

1. **PRAMOD KUMAR CHATURVEDI S/O SHRI HARSH CHATURVEDI, AGED ABOUT 51 YEARS, OCCUPATION: TAHSILDAR TAHSIL PATAN DISTRICT JABALPUR (MADHYA PRADESH)**
2. **ALOK PARE S/O SHRI A.R. PARE, AGED ABOUT 50 YEARS, OCCUPATION: TAHSILDAR TAHSIL M.P. NAGAR BHOPAL DISTRICT BHOPAL (MADHYA PRADESH)**
3. **PRAKASH CHANDRA JAIN S/O SHRI SUKHNANDAN JAIN, AGED ABOUT 51 YEARS, OCCUPATION: TAHSILDAR TAHSIL BHOPAL PRESENTLY OSD MINISTRY OF REVENUE DISTRICT BHOPAL (MADHYA PRADESH)**

.....PETITIONERS

(BY SHRI SAMDARSH TIWARI - ADVOCATE)

AND

1. **THE STATE OF MADHYA PRADESH THROUGH THE ADDITIONAL CHIEF SECRETARY DEPARTMENT OF GENERAL ADMINISTRATION MANTRALAYA VALLABH BHAWAN BHOPAL (MADHYA PRADESH)**
2. **THE STATE OF MADHYA PRADESH THROUGH THE PRINCIPAL SECRETARY DEPARTMENT OF GENERAL ADMINISTRATION (PERSONNEL) MANTRALAYA VALLABH BHAWAN BHOPAL (MADHYA PRADESH)**
3. **THE STATE OF MADHYA PRADESH THROUGH THE PRINCIPAL SECRETARY REVENUE DEPARTMENT MANTRALAYA VALLABH BHAWAN BHOPAL (MADHYA PRADESH)**



(BY SHRI ALOK AGNIHOTRI - DEPUTY GOVERNMENT ADVOCATE)

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This petition coming on for admission this day, the court passed the following:

ORDER

Learned counsel for the petitioners by the instant petition raising grievance that the respondents have convened the DPC on 19/02/2016 but not taken note of the anticipated vacancies, which were lying till the end of December 2016. He submits that as per Rule 6(3) of the M.P. Civil Services Promotion Rules, 2002 it provides that if any DPC is being convened the anticipated vacancies for the said year shall also be taken note of. However, that was not done and because of that lapse, the names of the petitioners were not considered in the said DPC. The petitioners raised a grievance and the other candidates, who are also similarly situated raised the grievance and thereafter, an opinion has been taken and according to the petitioners the opinion was given by the Additional Chief Secretary of GAD that DPC is since convened on 19/02/2016 for the post of Deputy Collector from the post of Tahsildar and anticipated vacancies lying till 12/05/2016 i.e. the interim relief granted by Supreme Court in case of *State of Madhya Pradesh and Others Vs. R.B. Rai and others [SLP No. 13954/2016]* and therefore, it is advised that the review DPC can be convened considering the vacancies, which would lie till 12/05/2016.

Shri Agnihotri on the other hand submits that on earlier occasion petition has been filed by the petitioner no.3 raising the same grievance and in the said pending petition this Court has also directed to consider the claim of the petitioner vide order dated 09/03/2022 and as such against the same relief cannot be claimed by the petitioner by filing the present petition. The said writ



petition is pending.

However, Shri Tiwari submits that the opinion as has been taken note of and which is the foundation of the claim of the petitioners has come later on and also that the Authority has not taken any steps on the order passed by this Court, therefore, now this petition can be filed asking the Authority to implement the opinion given by Additional Chief Secretary of GAD.

Considering the same, I am disposing of this petition without expressing any opinion on the merits by directing the respondents to consider the facts and circumstances of the present case may implement the opinion of the Additional Chief Secretary of GAD, and convened review DPC as per Rule 6(3) of the M.P. Civil Services Promotion Rules, 2002. The aforesaid exercise be completed by the respondents within a period of three months from submitting the certified copy of this order.

(SANJAY DWIVEDI)
V. JUDGE

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