

ITEM NO.1

COURT NO.2

SECTION IVA

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Petition for Special Leave to Appeal (C) No. 11383/2012

(Arising out of impugned final judgment and order dated  
02/02/2012 in WP No. 711/2010 passed by the High Court Of M.P  
At Jabalpur)

RATNARASHI PANDEY

Petitioner(s)

VERSUS

M.P.PUB.SER.COMMISSION & ORS.  
(With interim relief and office report)

Respondent(s)

WITH

SLP(C) No. 14826/2012  
(With Interim Relief and Office Report)

SLP(C) No. 15202/2012  
(With appln.(s) for permission to file additional documents and  
Interim Relief and Office Report)

W.P.(C) No. 322/2013  
(With Office Report)

Date : 18/09/2014 These petitions were called on  
for hearing today.

CORAM :

HON'BLE MR. JUSTICE H.L. DATTU  
HON'BLE MR. JUSTICE S.A. BOBDE

For Petitioner(s) Ms. Neela Gokhale, Adv.  
Mr. Nikhil Borwankar, Adv.  
Ms. Aparna Jha, Adv.  
Ms. Kamakshi S. Mehlwal, Adv.

Mr. Ashiesh Kumar, Adv. (NP)

For Respondent(s) Mr. Mishra Saurabh, Adv.  
Ms. Vanshaja Shukla, Adv.  
Mr. Ankit Kr. Lal, Adv.

Mr. Farrukh Rasheed, Adv.  
Dr. Harsh Pathak, Adv.  
Mr. Neeraj Shekhar, Adv.

UPON hearing the counsel the Court made the following  
O R D E R

SLP(C) No. 11383 of 2012

1. This special leave petition is directed against the judgment and order passed by the High Court of Madhya Pradesh in Writ Petition No. 711 of 2010, dated 02.02.2012. By the impugned judgment and order, the learned Judges of the High Court had rejected the challenge made by the petitioner to sub-rule (5) of Rule 6 of the Madhya Pradesh Civil Services (General Conditions of Services) Rules, 1961 (for short, "the Rules"). Rule 6 of the Rules speaks of disqualification. Apart from others, sub-rule (5) of Rule 6 disqualifies a candidate for appointment to a service or a post if he or she is married before minimum age fixed for the marriage.

2. During the pendency of this special leave petition, the State Government had amended the Rules by deleting sub-rule (5) of Rule 6 of the Rules. As on date, the said sub-rule does not exist in the Statute Book.

3. Pursuant to an advertisement issued for selection to the post in Civil Services, the

petitioner had filed an application for consideration. The said application was not processed by the respondent(s) on the ground that sub-rule (5) of Rule 6 of the Rules disqualified her even from making an application for the post in Civil Services. Being aggrieved by the said action of the respondent(s), the petitioner-herein had questioned not only the said action, but also the vires of sub-rule (5) of Rule 6 of the Rules.

4. As we have already observed, the High Court has not conceded to the request made by the petitioner in the writ petition.

5. After issuance of notice vide order dated 21.01.2013, this Court had directed the respondent(s) to produce the results of the petitioner wherein she had appeared for the preliminary examination for the post in Civil Services. Pursuant to the direction so issued, the respondent(s) have produced the results of the petitioner in the preliminary examination for the post in Civil Services when she had appeared in the years, 2005, 2008 and 2010.

6. At the time of the hearing of this special leave petition, this Court opened the sealed cover so produced by the respondent(s). The petitioner was successful in the preliminary examination in year, 2010. By virtue of an interim direction issued by the High Court, the petitioner-herein had appeared for the mains (written) examination which she failed to clear.

7. Learned counsel for the petitioner submits that the petitioner had once again appeared for the preliminary examination in the year, 2013 for the post in the Civil Services that was conducted by the respondent(s). However, the result of the examination has not been declared in view of certain discrepancies in the examination that was held.

8. It is apposite to mention here that the respondent(s) have now deleted Sub-rule (5) of Rule 6 of the Rules, and, therefore, the petitioner cannot have any grievance insofar as the said sub-rule is concerned. She would be eligible to appear for the preliminary examination that may be conducted by the respondent(s) to fill up the post in the Civil Services. Be that as it may.

9. Learned counsel for the respondent-Madhya Pradesh Public Service Commission very fairly submits that, if for any reason, the petitioner passes in the preliminary examination that was held during the year, 2013, the respondent(s) shall permit the petitioner to appear in the mains (written) examination.

10. In view of the above, this Court need not consider the correctness or otherwise of the judgment and order passed by the High Court in Writ Petition No. 711 of 2010, dated 02.02.2012.

11. Accordingly, we dispose of this special leave petition with a direction to the respondent(s) herein to permit the petitioner to appear in the mains (written) examination, if the petitioner passes in the preliminary examination that was held in the year, 2013.

Ordered accordingly.

W.P. (C) No. 322 of 2013

Ms. Neela Gokhale, learned counsel for the petitioner, on instructions, seeks permission of this Court to withdraw this writ petition with liberty to

the petitioner to approach the High Court by filing an appropriate petition for appropriate relief(s).

Permission sought for is granted.

The Writ Petition is disposed of as withdraw with liberty to the petitioner to approach the High Court by filing appropriate petition for appropriate relief(s).

SLP(C) Nos. 14826 & 15202 of 2012

Dismissed for non-prosecution.

[ Charanjeet Kaur ]  
Court Master

[ Vinod Kulvi ]  
Asstt. Registrar