

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(s) for Special Leave to Appeal (C) No(s).13578-13579/2020

[Arising out of impugned final judgment and order dated 11-11-2019 in WA No.1758/2019 and 17-12-2019 in RP No.1665/2019 passed by the High Court of Madhya Pradesh Principal Seat at Jabalpur]

KAMAL PRASAD DUBEY

Petitioner(s)

VERSUS

THE STATE OF MADHYA PRADESH & ORS.

Respondent(s)

(IA No. 79161/2024 - APPLICATION FOR PERMISSION, IA No. 99997/2022 - EXEMPTION FROM FILING O.T. and IA No. 79158/2024 - REJOINER)

Date : 19-02-2025 These matters were called on for hearing today.

CORAM : HON'BLE MS. JUSTICE BELA M. TRIVEDI
HON'BLE MR. JUSTICE PRASANNA B. VARALE

For Petitioner(s) : Ms. Ruchi Gupta, AOR

For Respondent(s) : Mr. Bhupendra Pratap Singh, D.A.G.
Mr. Yashraj Singh Bundela, AOR

Mr. Chand Qureshi, AOR

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

1. It is sought to be submitted by the learned counsel for the petitioner that the petitioner was promoted to the post of Society Manager in 2015 relaxing the Rules of 2013, which required the educational qualification of graduation and diploma/degree in computer application. However, the Registrar of Societies had not approved the said relaxation and he was sought to be demoted from the post of Society Manager, and, therefore, he had filed the Writ Petition before the High Court.

2. She further submits that the learned Single Bench of the High Court had allowed the writ petition of the petitioner by directing the respondents to extend the benefit of relaxation in educational qualification, however, the Division Bench vide the impugned order in the LPA has set aside the said order.

3. She further drew the attention of the Court to the interim order passed by this Court on 05.11.2020 directing the respondents not to demote the petitioner, and till this date, he is working on the post of Society Manager.

4. The said submissions made by the learned counsel for the petitioner have been disputed by the learned counsel for the respondents by submitting that the Board had no power to grant any relaxation and the Registrar, who was authorised to relax the Rules had not granted any relaxation. According to him, the petitioner was not qualified to be promoted as Society Manager as he was not graduate at the relevant time. However, he does not dispute that the petitioner had acquired the necessary educational qualification in 2020, and that the Rules have again been amended in 2019, which do not require such qualification. He seeks time to take proper instructions as to whether the petitioner could be continued on the said post in view of the amendment in 2019.

5. List after two weeks.

(RAVI ARORA)
COURT MASTER (SH)

(MAMTA RAWAT)
COURT MASTER (NSH)