

HIGH COURT OF MADHYA PRADESH : JABALPUR

FULL BENCH - I (Time 10:30 AM)

Daily Cause List dated : 08-08-2019

BEFORE: HON'BLE SHRI JUSTICE VIJAY KUMAR SHUKLA & HON'BLE SHRI JUSTICE SUBODH ABHYANKAR & HON'BLE SHRI JUSTICE VISHAL DHAGAT

Court Room No.: 18

Note:- CASES FOR FINAL HEARING SHALL BE TAKEN UP BY ALL THE BENCHES IMMEDIATELY AFTER COMPLETION OF MOTION HEARING EVERYDAY.

**NOTE :** The facility of PoS (Point of Sale) machine for making online court fee is available at Presentation Centre of High Court of M.P., Jabalpur.

**MOTION HEARING**

**[ORDERS]**

SN	Case No	Petitioner / Respondent	Petitioner/Respondent Advocate
1	WP 01539/2018 (S)	ARUN PARMAR  Versus THE STATE OF MADHYA PRADESH	ANJANA SHRIVASTAVA, AJAY SHANKAR RAIZADA, JAGADISH PRASAD KANOJIA, MANOJ KUMAR SHARMA[P-1], PARAG TIWARI[P-1], SIDDHARTH PATEL[P-1], AMARDEEP GUPTA[P-1]  ADVOCATE GENERAL, PIYUSH BHATNAGAR[INT], SANJAY KUMAR AGRAWAL[INT], RAMSAKHA KUSHWAHA[INT], SIDDHARTH KUMAR SHARMA[INT], ABHISHEK ARJARIA[INT], SATISH CHOURASIA[INT], MANU V. JOHN[INT], DARSHAN SONI[INT], ANKITA KHARE[INT], SAMDARSHI TIWARI[R-1][AG], AKSHAY PAWAR[R-1][INT], VEER VIKRANT SINGH[R-1][INT], ARPAN PAWAR[R-1][INT], AISHWARYA SINGH[R-1][INT][R-2][INT][R-2][INT][R-2][INT][R-3][INT][R-3][INT][R-3][INT][R-3][INT][R-4][INT][R-4][INT][R-4][INT][R-4][INT][R-5][INT][R-5][INT][R-5][INT][R-6][INT][R-6][INT][R-6][INT][R-6][INT], KAILASH CHANDRA GHILDIYAL[INT], MANOJ KUMAR RAJAK[INT], MANEESH KHOLIA[INT], SHIVAM MISHRA[INT], PAWAN BANSAL[INT], HARISH CHANDRA SINGH[INT], PRADEEP KUMAR DWIVEDI[INT], SHOBHITADITYA[R-1][INT][R-2][INT][R-3][INT], JAGAT SINGH[INT], SHIVAM HAZARI[INT], SATISH CHAND CHATURVEDI[INT], VARUN TANKHA[R-7][INT], SAMRESH KATARE[R-7][INT], RAHUL GUPTA[R-7][INT]

SERVICE RELATING TO STATE GOVT.-17100 - Seniority-17142 - Others  
Relief - FOR DIR. TO THE RESP. O DECIDE THE REPRESENTATION P-8 and P-12 REGARDING SENIORITY OF THE PETITIONER (Fixed Date/SPC) (FOR CONSIDERATION OF THE FOLLOWING QUESTIONS: (1) THE JUDGMENT OF THE FULL BENCH DEALING THE ISSUE OF PROBATION IS RELYING UPON THE RULE 8 OF THE RULES OF 1961 ALTHOUGH IN THE LIGHT OF RULE 3 WHICH DEALS THE APPLICABILITY EITHER IN THE RULES OF 1961 OR IN THE RULES OF 1975 ON HAVING SPECIAL PROVISION, THE RULES OF 1961 WOULD NOT APPLY AND IN THE PRESENT CASE, THE SERVICES OF THE PETITIONERS OR THE INTERVENORS ARE GOVERNED BY THE RULES OF 1975 AND RULE 13 DEALS THE ISSUE OF PROBATION, HOWEVER, THE JUDGMENT OF THE FULL BENCH REQUIRES RECONSIDERATION IN THE SAID CONTEXT. (2) RULE 12 AND RULE 12(1)(A) APPLY TO THE "MEMBER OF THE SERVICE" AND IT DO NOT DEAL WITH THE SENIORITY OF THE PROBATIONERS, WHO HAVE NOT QUALIFIED THE DEPARTMENTAL EXAMINATION WITHIN THE PERIOD OF PROBATION OR WITHIN THE EXTENDED PERIOD OF PROBATION, WHICH SHALL NOT BE MORE THAN ONE YEAR, HOWEVER, THE INTERPRETATION MADE IN PARAGRAPH NO.4 OF THE DIRECTION APPLYING THOSE RULES IS JUSTIFIED. (3) AS PER DIRECTION NO.2 OF THE JUDGMENT OF THE FULL BENCH IN THE CASE OF PRAKASH CHANDRA JANGRE(SUPRA), IT IS HELD THAT IF THE PROBATIONER HAS NOT QUALIFIED THE DEPARTMENTAL EXAMINATION WITHIN THE PERIOD OF PROBATION OR WITHIN THE EXTENDED PERIOD OF PROBATION, HE SHALL BE DEEMED TO BE A TEMPORARY GOVERNMENT SERVANT AND SHALL BE GOVERNED BY THE RULES OF 1960 BUT WITHOUT DEALING THE ISSUE OF SENIORITY, HOW THEY WILL ACHIEVE, AS SPECIFIED IN RULES 3, 3A, 4,5,6,7, THE DIRECTION ISSUED IN CLAUSE 4 OF THE SAID JUDGMENT, IS NOT CONTRARY TO THE SPIRIT OF THE RULES OF 1960.

1.1	<b>Connected</b> WP 01541/2018 (S)	VIVEK SHROTRIYA  Versus CHIEF SECRETARY GOVERNMENT OF MP	ANJANA SHRIVASTAVA, AJAY SHANKAR RAIZADA, JAGADISH PRASAD KANOJIA, ISHAN MEHTA[P-1], KARUNANIDHI BUNDELA[P-1], SATYENDRA KUMAR PATEL[P-1], ANSHUMAN SINGH[P-1]  ADVOCATE GENERAL, SANJAY KUMAR AGRAWAL[INT], RAMSAKHA KUSHWAHA[INT], DARSHAN SONI[INT], SIDDHARTH KUMAR SHARMA[INT], PIYUSH BHATNAGAR[INT], ANKITA KHARE[INT], AMIT SETH[R-1][AG], SAMDARSHI TIWARI[R-1][AG], SHOBHITADITYA[R-1][INT][R-2][INT][R-3][INT], SATISH CHAND CHATURVEDI[INT], SHIVAM HAZARI[INT], JAGAT SINGH[INT]
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Daily Cause List dated : 08-08-2019

BEFORE: HON'BLE SHRI JUSTICE VIJAY KUMAR SHUKLA & HON'BLE SHRI JUSTICE SUBODH ABHYANKAR & HON'BLE SHRI JUSTICE VISHAL DHAGAT

SERVICE RELATING TO STATE GOVT.-17100 - Seniority-17142 - Seniority-17142  
Relief - TO QUASH THE IMPUGNED ORDER DT. 14/09/2017 ANN P/16  
{Fixed Date/SPC} (THIS PETITION IS LINKWITH WP NO.1539/2018)

1.2 **Linked**  
**WP 01712/2018**  
(S)  
WARAD MURTI MISHRA  
Versus  
CHIEF SECRETARY GOVERNMENT OF M.P.

AJAY SHANKAR RAIZADA, JAGADISH PRASAD KANOJIA, SWAPNIL GANGULY[P-1][P-1], ABHISHEK SINGH[P-1], AMARDEEP GUPTA[P-1], PARAG TIWARI[P-1], SIDDHARTH PATEL[P-1], MANOJ KUMAR SHARMA[P-1], QUAZI FAKHRUDDIN[P-1]  
ADVOCATE GENERAL, SAMDARSHI TIWARI[R-1][AG]

SERVICE RELATING TO STATE GOVT.-17100 - Seniority-17142 - Determination of Seniority  
Relief - FOR PLACEMENT OF THE PETITIONER IN THE SENIORITY LIST  
{Fixed Date/SPC} (THIS PETITION IS LINKWITH WP NO.1539/2018)

1.3 **Linked**  
**WP 02644/2018**  
(S)  
SMT. MANISHA SENTIYA  
Versus  
THE STATE OF MADHYA PRADESH

SANJIV KUMAR MISHRA, HIMANSHU MISHRA, JUBIN PRASAD, SATISH KUMAR DIXIT, ANVESH SHRIVASTAVA  
ADVOCATE GENERAL, SAMDARSHI TIWARI[R-1][AG], AMIT SETH[R-1][AG], SANJAY KUMAR AGRAWAL[INT], PIYUSH BHATNAGAR[INT], RAMSAKHA KUSHWAHA[INT], SIDDHARTH KUMAR SHARMA[INT], ANKITA KHARE[INT]

SERVICE RELATING TO STATE GOVT.-17100 - Seniority-17142 - Others  
Relief - TO DIRECT THE RESPONDENT TO DECIDE and REASSIGN SENIORITY TO THE PETITIONER.  
{Fixed Date/SPC} (THIS PETITION IS LINKWITH WP NO.1539/2018)

1.4 **Linked**  
**WP 03706/2018**  
(S)  
SMT. BHARATI OGREY  
Versus  
THE STATE OF MADHYA PRADESH

SANJIV KUMAR MISHRA, HIMANSHU MISHRA, JUBIN PRASAD, SATISH KUMAR DIXIT, ANVESH SHRIVASTAVA  
ADVOCATE GENERAL, SIDDHARTH KUMAR SHARMA[INT], DARSHAN SONI[INT], RAMSAKHA KUSHWAHA[INT], SANJAY KUMAR AGRAWAL[INT], PIYUSH BHATNAGAR[INT], ANKITA KHARE[INT], AMIT SETH[R-1][AG], SHOBHITADITYA[R-1][INT][R-2][INT][R-3][INT], SATISH CHAND CHATURVEDI[INT], SHIVAM HAZARI[INT], JAGAT SINGH[INT], KAILASH CHANDRA GHILDIYAL[R-5], MANOJ KUMAR RAJAK[R-5], PRADEEP KUMAR DWIVEDI[R-5]

SERVICE RELATING TO STATE GOVT.-17100 - Seniority-17142 - Others  
Relief - FOR DIR. TO THE RESP. TO DEICE and REASSIGN SENIORITY TO THE PETITIONER  
{Fixed Date/SPC} (THIS PETITION IS LINKWITH WP NO.1539/2018)

1.5 **Linked**  
**WP 03716/2018**  
(S)  
RAJESH OGREY  
Versus  
THE STATE OF MADHYA PRADESH

SANJIV KUMAR MISHRA, HIMANSHU MISHRA, JUBIN PRASAD, SATISH KUMAR DIXIT, ANVESH SHRIVASTAVA  
ADVOCATE GENERAL, SANJAY KUMAR AGRAWAL[INT], RAMSAKHA KUSHWAHA[INT], JITENDRA KUMAR PATEL[INT], ANKITA KHARE[INT], SIDDHARTH KUMAR SHARMA[INT], DARSHAN SONI[INT], PIYUSH BHATNAGAR[INT], SAMDARSHI TIWARI[R-1][AG], SHOBHITADITYA[R-1][INT][R-2][INT][R-3][INT], JAGAT SINGH[INT], SHIVAM HAZARI[INT], SATISH CHAND CHATURVEDI[INT], KAILASH CHANDRA GHILDIYAL[R-5], MANOJ KUMAR RAJAK[R-5], PRADEEP KUMAR DWIVEDI[R-5]

SERVICE RELATING TO STATE GOVT.-17100 - Seniority-17142 - Seniority-17142  
Relief - TO DECIDE AND REASSIGN SENIORITY TO THE PETITIONER  
{Fixed Date/SPC} (THIS PETITION IS LINKWITH WP NO.1539/2018)

1.6 **Connected**  
**WP 16735/2018**  
(S)  
VINAY NIGAM  
Versus  
THE STATE OF MADHYA PRADESH

MANOJ KUMAR SHARMA, SIDDHARTH PATEL, PARAG TIWARI, AMARDEEP GUPTA, QUAZI FAKHRUDDIN  
ADVOCATE GENERAL, SATISH CHAND CHATURVEDI[INT], JAGAT SINGH[INT], SHIVAM HAZARI[INT]

SERVICE RELATING TO STATE GOVT.-17100 - Seniority-17142 - Seniority-17142  
{Fixed Date/SPC} (THIS PETITION IS LINKWITH WP NO.1539/2018)

TOTAL CASES : 7 (with connected matters)

PR (J) / R (J-I) / R(J-II)