

## HIGH COURT OF MADHYA PRADESH : JABALPUR

FULL BENCH - I (Time 10:30 AM)

Daily Cause List dated : 07-12-2017

BEFORE: HON'BLE THE CHIEF JUSTICE &amp; HON'BLE SHRI JUSTICE RAVI SHANKAR JHA &amp; HON'BLE SMT. JUSTICE NANDITA DUBEY

Court Room No.: 1

**Note:- FINAL HEARING CASES SHALL BE TAKEN AFTER MOTION HEARING CASES EVERY DAY.**

MOTION HEARING[ORDERS]

SN	Case No	Petitioner / Respondent	Petitioner/Respondent Advocate
1	WP 05865/2016 (S)	ASHUTOSH PAWAR Versus HIGH COURT OF MADHYA PRADESH	ISHAN SONI, ARJUN SINGH  ADVOCATE GENERAL, ANOOP NAIR[R-1], SANKARAN PULAKKAT NAIR[R-1], PIYUSH D.DHRMADHIKARI[R-2][AG]
<p>SERVICE RELATING TO HIGH COURT EMPLOYEES-17600 - Selection-17641 - Selection-17641 Relief - TO QUASH THE IMPUGNED ORDER DT. 09-03-2016 (ANN. P-11) and TO DIRECT RESPONDENTS TO ISSUE APPOINTMENT ORDER OF PETITIONER ON THE POST OF C.J. CLASS-II {Fixed Date/SPC} VIDE ORDER DATED 23/10/2017, THE HON'BLE DIVISION BENCH HAS, IN PARA 20, REFERRED THE MATTER FOR DECISION ON THE FOLLOWING QUESTIONS BY A LARGER BENCH:- 1. WHETHER IN ALL CASES, WHERE AN FIR LODGED AGAINST A PERSON FOR MINOR OFFENCES HAS BEEN QUASHED ON THE BASIS OF A COMPROMISE ARRIVED AT BETWEEN THE PARTIES OR A PERSON HAS BEEN ACQUITTED ON ACCOUNT OF A COMPROMISE BETWEEN THE PARTIES, THE CHARACTER OF THE PERSON APPLYING FOR APPOINTMENT THEREAFTER, HAS TO BE TREATED AS GOOD AND SUCH A PERSON CANNOT BE HELD INELIGIBLE FOR APPOINTMENT UNDER THE RULES OF 1994 ? 2. WHETHER THE HIGH COURT IN EXERCISE OF ITS POWERS UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA, CAN STEP INTO THE SHOES OF THE APPOINTING AUTHORITY AND DETERMINE AS TO WHETHER THE PERSON CONCERNED IS FIT FOR APPOINTMENT OR WHETHER THE HIGH COURT ON FINDING THAT THE AUTHORITY CONCERNED HAS WRONGLY EXERCISED ITS DISCRETION IN HOLDING THE CANDIDATE TO BE INELIGIBLE SHOULD, AFTER QUASHING THE ORDER, REMIT THE MATTER BACK TO THE AUTHORITY CONCERNED FOR RECONSIDERATION OR FOR FRESH CONSIDERATION AS TO THE ELIGIBILITY OF THE PERSON? 3. WHETHER THE HIGH COURT WHILE ALLOWING SUCH A PETITION IN EXERCISE OF ITS POWERS UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA CAN ISSUE A FURTHER DIRECTION TO THE AUTHORITY TO APPOINT THE PERSON CONCERNED ON THE POST FROM THE DATE HIS BATCHMATES WERE APPOINTED AND TO GRANT HIM BACK DATED SENIORITY AND ALL OTHER BENEFITS OR WHETHER THE HIGH COURT SHOULD SIMPLY REMIT THE MATTER BACK TO THE AUTHORITY FOR TAKING A DECISION IN THIS REGARD ? 4. WHETHER THE HIGH STANDARDS OF ADJUDGING THE GOOD CHARACTER OF A CANDIDATE FOR APPOINTMENT AS A JUDICIAL OFFICER, WHICH HAS BEEN ADOPTED AND FOLLOWED BY THE STATE UNDER THE RULES OF 1994 TILL THE DECISION IN THE CASE OF ARVIND GURJAR (SUPRA) WERE AND ARE RIGHT AND PROPER OR WHETHER IN VIEW OF THE DECISION IN THE CASE OF ARVIND GURJAR (SUPRA), THE SAME SHOULD BE CONSIDERED TO BE RELAXED TO THE EXTENT THAT IN ALL CASES THE CHARACTER OF A PERSON SHOULD BE TREATED TO BE GOOD WHERE HE HAS BEEN ACQUITTED FOR MINOR OFFENCES ON THE BASIS OF A COMPROMISE ? 5. WHETHER THE DECISION IN THE CASE OF ARVIND GURJAR (SUPRA) LAYS DOWN THE CORRECT LAW ? 6. ANY OTHER QUESTION THAT MAY ARISE FOR ADJUDICATION OR DECISION IN THE DISPUTE INVOLVED IN THE PRESENT PETITION AND WHICH THE LARGER BENCH THINKS APPROPRIATE TO DECIDE. [ADMITTED ON : 13-05-2016]</p>			

TOTAL CASES : 1 (with connected matters)

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