



**IN THE HIGH COURT OF MADHYA PRADESH
AT GWALIOR
BEFORE**

HON'BLE SHRI JUSTICE ASHISH SHROTI

WRIT PETITION No. 7541 of 2023

MEGH SINGH BAGHEL

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

Appearance:

Shri Romesh Pratap Singh - Advocate for the petitioner.

Shri Man Singh Jadon- Govt. Advocate for the respondents/State.

Reserved on: 06/10/2025

Pronounced on: 29/10/2025

ORDER

The petitioner has filed the present writ petition praying for a direction to the respondent authorities to appoint him on the post of Uchcha Madhyamik Shikshak with all consequential benefits.

[2]. The facts leading to filing of this petition are that the petitioner is holding M.A. & B.Ed. qualifications. He was appointed on contract basis as Data Entry Operator on 15.01.2008 and at the relevant time he was working on contract basis as Block Program Manager at Community Health Center, Bhitwar, District Gwalior, under Health Department.

[3]. The respondent School Education Department invited applications through Employees Selection Board for appointment on the post Uchcha



Madhyamik Shikshak. The Board accordingly published Uchcha Madhyamik Shikshak-2018 advertisement (Annexure P/1). Apart from other conditions, Clause 2.14 of the advertisement provided for reservation of 20% posts to be filled up by persons having experience of contract services as per circular, dated 05.06.2018. Subsequently, vide order, dated 15.09.2018, (Annexure R/1), clause 2.14 of the advertisement was deleted.

[4]. The examination was then held by Board in February' 2019 and the result of the same was declared in August' 2019. Thereafter, appointment order in respect of as many as 189 persons was issued on 06.11.2021 (Annexure P/9). The petitioner was not selected and consequently not appointed on the post in question.

[5]. Challenging the non-selection of the petitioner, the learned counsel for the petitioner primarily submitted that by virtue of Clause 2.14 of the advertisement, the petitioner was entitled to be appointed against the vacancies reserved for contract employees. He submitted that the petitioner is having experience of working on contractual basis since 2008 and was thus eligible for appointment. The learned counsel also submitted that deleting the clause of advertisement was impermissible inasmuch as that would amount to changing the rules of game after the game began. However, the respondents erroneously denied appointment to him. He thus prayed for issuance of necessary directions to the respondents to appoint the petitioner on the post of Uchcha Madhyamik Shikshak.



[6]. On the other hand, learned counsel for respondent opposed the petitioner's claim and submitted that Clause 2.14 of the advertisement was deleted vide order, dated 15.09.2018. He also submitted that, even otherwise, by virtue of Clause 1.5.1 of circular, dated 05.06.2018, the petitioner was not entitled to benefit of reservation inasmuch as he is not having experience in the same cadre. He also submitted that the result of the exam was declared in August' 2019 and the appointments were made in November' 2021 and the petition filed in the year 2023 is grossly delayed. He also submitted that the petition is not maintainable inasmuch as the appointed persons are not impleaded as party.

[7]. Considered the arguments and perused the records.

[8]. The advertisement in question was issued by respondent Board wherein the last date for submission of application form was 25.09.2018. Immediately after issuance of advertisement, Clause 2.14 thereof was deleted vide order, dated 15.09.2018. Meaning thereby, the clause was deleted immediately on issuance of advertisement, even before the date of submission of application. Thus, in the case in hand, the game had not in fact began when the clause in question was deleted. Thus, it cannot be said that the petitioner suffered any prejudice. Therefore, the submission of petitioner's counsel is not acceptable. Even otherwise, the petitioner having participated in the process knowing fully well that the reservation Clause 2.14 has been deleted, cannot be allowed to challenge the same when he remained unsuccessful in the process.



[9]. The objection raised by the petitioner is not acceptable for yet another reason. Clause 2.14 reads as under:

“2.14 सामान्य प्रशासन विभाग म.प्र. भोपाल द्वारा जारी आदेश क्रमांक सी-5-2/2018/1/3 भोपाल दिनांक 05 जून 2018 के अनुसार संविदा पर नियुक्त अधिकारियों/कर्मचारियों को नियमित पदों पर नियुक्ति के अवसर प्रदान किए जाने हेतु नीति-निर्देश जारी किये गये हैं (उक्त आदेश का पालन संबंधित विभाग द्वारा किया जावेगा)”

[10]. A copy of circular, dated 05.06.2018, is brought on record as Annexure P/2. Clause 1.4, 1.5 & 1.5.1 are relevant are thus reproduced hereunder:

“1.4 प्रत्येक विभाग के भर्ती किए जाने वाले पदों में 20 प्रतिशत पद संविदा पर नियुक्त अधिकारियों/कर्मचारियों के लिए आरक्षित रहेंगे, किन्तु इस नीति के अंतर्गत आरक्षण सुविधा का एक बार लाभ लेकर नियुक्ति प्राप्त कर लेने (joining) उपरांत पुनः लाभ की पात्रता नहीं होगी।

1.5 इस आरक्षण का लाभ प्राप्त करने के लिए निम्न संविदा सेवक पात्र होंगे :-

1.5.1 सीधी भर्ती का रिक्त पद जिस श्रेणी का है उसी श्रेणी में आवेदक न्यूनतम 05 वर्ष तक संविदा पर नियुक्त रहा हो। 05 वर्ष की यह अवधि रिक्त पद पर आवेदन करने की दिनांक को पूर्ण होना चाहिए। इस आशय का प्रमाण-पत्र उसे प्रस्तुत करना होगा। यह प्रमाण-पत्र यथास्थिति जिला स्तर पर अथवा राज्य स्तर के सक्षम अधिकारी द्वारा जारी किया जाएगा।”

[11]. Thus, by virtue of clause 1.5.1 of circular, dated 05.06.2018, the petitioner was not entitled to the benefit of reserved post inasmuch as he has experience of working on the post of Data Entry Operator/Block Program Manager in Community Health Center under Health Department. By virtue of clause 1.5.1 of circular, dated 05.06.2018, the contract experience of same cadre post of which the vacancy is advertised, is to be counted. As submitted by respondents, the post of



Uchcha Madhyamik Shikshak is a Class-II post while the post held by petitioner is stated to be Class-III posts. The nature of duties of both the posts is also entirely different. Thus, even if the clause was not deleted from the advertisement, the petitioner would not be entitled to get the benefit of reserved posts.

[12]. The objection of the respondents' counsel regarding delay and laches on the part of petitioner, is also worth consideration. It is seen that the result of examination was declared in August' 2019 and the present petition is thereafter filed on 29.03.2023 i.e. after lapse of more than three years. The explanation given by petitioner is that as soon as he could manage expenses, he filed the present writ petition. This explanation is apparently not acceptable firstly because how much was the expenses to be incurred, is not specified and secondly the petitioner has not stated as to how and when he could manage the expenses. The explanation stated in para-4 of the petition thus appears to be concocted.

[13]. Further, the appointments were made on 06.11.2021 (Annexure P/9). The petitioner has neither challenged these appointments nor has impleaded the appointees as party in the petition.

[14]. Thus, for all the reasons stated above, no indulgence is warranted in favour of petitioner in the instant writ petition. The petition is found to be without any substance and is accordingly, **dismissed**.

(ASHISH SHROTI)
JUDGE