

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

**BEFORE**

**HON'BLE SHRI JUSTICE ANAND PATHAK  
&  
HON'BLE SHRI JUSTICE HIRDESH**

**WRIT APPEAL NO. 2046 of 2025**

**ON THE 18<sup>th</sup> OF JULY, 2025**

**RAMESH CHANDRA KUSHWAH & ORS.**

**Vs.**

**STATE OF M.P. & ORS.**

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**APPEARANCE:**

*Shri Prashant Sharma – Advocate for the appellants.*

*Shri Vijay Sundaram – Government Advocate for the respondents/State.*

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**JUDGMENT**

***Per: Justice Anand Pathak,***

1. The present appeal under Section 2 (1) of the Madhya Pradesh Uchcha Nyayalaya (Khand Nyaypeeth Ko Appeal) Adhiniyam, 2005 is preferred by the appellants being crestfallen by the order dated 11-07-2025 passed by learned Single Judge in Writ Petition No.27097 of 2025 whereby the writ petition filed by the appellants (hereinafter referred to as “the petitioners”) has been disposed of with direction to the appellants.
2. Matter pertains to extension of deputation period. Petitioners were employees of Medical College, Sagar and they came on deputation at Medical College, Datia on 06-10-2020 for a period of three years. Parent department further given consent for continuation of deputation of petitioners for next three years but the borrowing department extended the deputation period of petitioners only for 1

year i.e. upto 31-03-2025 (Annexure P/9). Petitioners challenged the said order of borrowing department by preferring writ petition but failed therefore, they are before this Court.

3. It is the submission of learned counsel for the petitioners that the act of Medical College, Datia of not extending the period of deputation for next three years is arbitrary and cavalier. Once posts are vacant, there is need and requirement also and parent department has also given consent for extension of deputation period for next three years, then the act of respondents is not sustainable. It is further submitted that repatriation is not absolute discretion of borrowing department, it has to be governed by statutory rules. It is further submitted that learned Writ Court did not consider the controversy in correct perspective and dismissed the writ petition. Thus, prayed for setting aside the orders passed by learned Writ Court and respondents.
4. Learned counsel for the respondents/State opposed the prayer and submitted that petitioners came on deputation at Medical College, Datia for three years and after expiry of that period since borrowing department extended the period of deputation of petitioners for only one year, then in that order no fault can be said to be caused. Thus, prayed dismissal of this appeal.
5. Heard learned counsel for the parties and perused the documents appended thereto.
6. In this case, petitioners are seeking their retention at Medical College, Datia on the ground that parent department given consent for next three years. Petitioner relied upon the NOC dated 16-02-2024 whereby Medical College, Sagar granted NOC for retaining the petitioners at Medical College, Datia for next three

years. However vide order dated 05-03-2024 issued by Medical College, Datia, extension was given only till 31-03-2024. Later on, order dated 27-08-2024 was passed by the Dean, Medical College, Datia in which extension period is mentioned as 31-03-2025. Therefore, petitioners were permitted to be retained at Medical College, Datia till 31-03-2025. Thereafter, borrowing department did not agree to extend their period, therefore, without consent and permission of borrowing department, petitioners cannot remain on deputation at Medical College, Datia.

7. Petitioners cannot claim deputation as a matter of right. For deputation consent of both the departments i.e. parent department and borrowing department is necessary. Here, in the present case since the borrowing department wanted to keep the petitioners only certain period (31-03-2025), then it cannot be said that any right of the petitioners is violated because petitioners are not employees of the Medical College, Datia. The period of deputation was extended upto 31-03-2025 and thereafter much time has lapsed and petitioners might have joined.
8. Learned Writ Court considered the controversy in correct perspective, relevant discussion is reproduced as under:

*“4. If the provisions of the aforesaid Rules are seen, the Rule 9 provides for maximum period of six years for deputation. Even though, after completion of initial period of three years of deputation, the parent department has given its consent for extension of deputation for further three years. The fact remains that by order, dated 27.08.2024, the deputation was extended*

*only up to 31.03.2025 by parent department and, therefore, no fault can be found if the petitioners are now repatriated to their parent department.”*

9. Considering the rival submission and also the discussion surfaced in the impugned order, it appears that no case for interference is made out. Accordingly, the order passed by learned Writ Court is hereby affirmed and the writ appeal preferred by the appellants is hereby dismissed.
10. Appeal stands **dismissed**.

Anil\*

(ANAND PATHAK)  
JUDGE

(HIRDESH)  
JUDGE