



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

BEFORE

HON'BLE SHRI JUSTICE SUBODH ABHYANKAR

ON THE 17th OF OCTOBER, 2024

WRIT PETITION No. 10061 of 2019

RAVI VAISHNAV

Versus

HOME DEPARTMENT AND OTHERS

Appearance:

Shri Piyush Jain, Advocate for the petitioner.

Ms. Bhagyashree Gupta – G.A. for respondents/State.

ORDER

1] Heard.

2] This writ petition has been filed by the petitioner under Article 226 of the Constitution of India seeking the following reliefs:-

“(a) The impugned order **Annexure P/1**, dated 29.03.2019 issued by respondent No.5 may kindly be quashed.

(b) The respondents may kindly be directed to appoint the petitioner on the post of Constable (GD) in District Ujjain, with all consequential benefits including arrears of salary and seniority with effect from the date from the other candidates from the select list have been appointed.

(c) Any other relief, which this Hon’ble Court may deems fit may kindly be granted in favour of the petitioner and allow this petition with cost.”

3] The grievance of the petitioner is that the impugned order dated 29.03.2019 has been passed by the respondents without adverting to the



judgements, which were also relied upon by the petitioner in the earlier round of litigation in **W.P. No.1427 of 2019**, which was decided by this Court vide its order dated **23.01.2019**, and in the aforesaid order, the petitioner had also relied upon the decision rendered by the Supreme Court in the case of **Avtar Singh Vs. Union of India and others** reported as **(2018) 1 SCC 268 paras 3 to 7** as also a Full Bench judgement of this Court in the case of **Ashutosh Pawar Vs. High Court of M.P. and another** reported as **2018 (2) MPLJ 419** para 32 which related to the effect of acquittal of a person's employment. It is submitted that in the aforesaid order dated 23.01.2019, this Court had directed the respondents to decide the petitioner's representation in accordance with law, but the respondents have again passed the identical order as was passed on 04.12.2018, which was also the subject matter of the earlier Writ Petition No.1427 of 2019. Thus, it is submitted that the respondents may be directed to decide the petitioner's case taking into account the aforesaid two decisions.

4] Counsel for the State has opposed the prayer, although a reply has also been filed and it is submitted that the petitioner's acquittal in two criminal cases was not an honourable acquittal.

5] Heard. On due consideration of submissions and perusal of the documents filed on record, including the earlier order passed by this Court in W.P. No.1427 of 2019 dated 23.01.2019, as also the decisions rendered by the Supreme Court in the case of **Avtar Singh** (supra) and the Full Bench of this Court in the case of **Ashutosh Pawar** (supra), this Court finds that there is absolutely no reasoning assigned in the impugned order dated 29.03.2019, and there is no reference to the aforesaid decisions also.



Thus, it cannot be said that there was any application of mind on the part of the respondents, while passing the impugned order.

6] In view of the same, **impugned order 29.03.2019 cannot be sustained in the eyes of law and the same is hereby quashed.** Consequently, the matter is remanded back to the respondent No.5 with a further direction to decide the petitioner's case in accordance with law by a reasoned and speaking order also taking into account the aforesaid two decisions, of Supreme Court as also the Full Bench of this Court. An opportunity of hearing may also be provided to the petitioner before passing the final order.

7] Let the aforesaid exercise be completed within a period of three months from the date of receipt of certified copy of this order.

8] With the aforesaid, the petition stands **disposed of.**

(SUBODH ABHYANKAR)
JUDGE

Pankaj