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IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE
BEFORE
HON'BLE SHRI JUSTICE SUBODH ABHYANKAR

ON THE 24th OF NOVEMBER, 2022

WRIT PETITION No. 25704 of 2022

BETWEEN:-

MR. MAYANK MIMROT S/O SHRI RAJESH
MIMROT, AGED ABOUT 25 YEARS,
OCCUPATION: STUDENT 368, BAJRANG
NAGAR, BHAMORI, INDORE (MADHYA
PRADESH)

.....PETITIONER

(BY SHRI RAJOO K. PANDAGRE, ADVOCATE)

AND

- THE STATE OF MADHYA PRADESH CHIEF
1. SECRETARY MANTRALAYA, VALLABH
BHAWAN, BHOPAL (MADHYA PRADESH)
SECRETARY MP. PUBLIC SERVICE
 2. COMMISSION RESIDENCY AREA, DISTRICT
INDORE. (MADHYA PRADESH)
EXAM CONTROLLER M.P. PUBLIC
 3. SERVICE COMMISSION RESIDENCY AREA,
DISTRICT INDORE. (MADHYA PRADESH)

.....RESPONDENTS

(BY SHRI MANISH NAIR, DY. ADV. GENERAL
AND SHRI V.P. KHARE, ADV. FOR RES. NOS. 2 & 3)

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*This petition coming on for admission/order this day, the court
passed the following:*

ORDER

01. This petition has been filed under Article 226 of the Constitution of India, seeking the following reliefs:-

“7. (i) The petitioner be permitted to appear in the ADPO examination scheduled to be conducted on 18.12.2022 by MPPSC.

(ii) That, this writ petition may kindly be allowed with cost.

(iii) That, any other appropriate writ, order or direction which this Hon'ble Court deem just and proper in the facts and circumstances of the present case, may kindly be passed in favour of the petitioner.”

02. The grievance of the petitioner is that, he has passed his L.L.B. On 30.6.2022, and fulfils all the eligibility criteria to appear in the forthcoming exams for the post of Assistant District Prosecution Officer.

03. Counsel for the petitioner has submitted that the advertisement for the said examination was issued on 07.6.2021, but the examination has been postponed for four times since the date of issue of advertisement; firstly, on 5.12.2021, secondly, on 19.6.2022, thirdly, on 16.10.2022, and now the exams are scheduled to be conducted on 18.12.2022. Counsel has submitted that earlier the examinations were to be conducted through Online mode but, now they are to take place through Offline mode only

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and the syllabus of which has also been notified only on 30.8.2022, thus, he should be allowed to participate in the same.

04. The case of the petitioner is that, the aforesaid recruitment for the post of Assistant District Prosecution Officer which is conducted by the Madhya Pradesh Public Service Commission (hereinafter referred as MPPSC) takes place once in every 4-5 years and the next exams for the said recruitment would be around 4 to 5 years from the present date and only on account of the delay on the part of the respondent/MPPSC that the exams for the said post could not be conducted and if the petitioner is not allowed to participate in the said exams he will have to wait for further 4 to 5 years; despite the fact that he holds the eligibility as prescribed in the advertisement. Thus, it is submitted that the respondents be directed to allow the petitioner to appear in the ADPO examination scheduled to be conducted on 18.12.2022 and accept his application for the same.

05. Shri V.P. Khare, learned counsel appearing for the respondent/MPPSC has submitted that the postponement of the exams from time to time has occurred only on account of the date schedule of MPPSC and since advertisement was already published on 7.6.2021, and all the procedural formalities have also been completed, no case for interference is made out as allowing

the petitioner to participate in the examination should have the effect of disturbing the entire selection process which have already been planned by the MPPSC. Thus, it is submitted that the petition deserves to be dismissed.

06. Heard the counsel for the parties and also perused the record.

07. On due consideration of the rival submissions and on perusal of the documents filed on record, this Court finds force in the contentions raised by the counsel for the respondent/MPPSC and is of the opinion that in the present petition, the petitioner has not raised any violation of his fundamental or other rights and the petition is only in the form of a mercy petition, and although this Court may agree with the grievance raised by the petitioner but, legally his grievance is not sustainable for the reason that has rightly been pointed out by the counsel for the respondent/MPPSC, that all the procedural formalities are complete.

08. In the considered opinion of this court, if the petitioner's prayer is accepted, it would not only open flood gates for such petitions before this Court but, would also disturb the entire selection process which will have to be postponed till all such applications are processed. And in the meantime, some other aspirant who would also have passed the LLB examination, may

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also approach this Court that he should also be allowed to participate in the exam.

09. In such circumstances, this Court is of the opinion that the programmes fixed by the MPPSC needs no interference to allow the petitioner to participate in the exam after the date of filing of the application has already expired.

10. In view of the same, the petition being devoid of merits is hereby **dismissed**.

(Subodh Abhyankar)
Judge

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