

1
**IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE**

**BEFORE
HON'BLE SHRI JUSTICE VIJAY KUMAR SHUKLA**

ON THE 30th OF NOVEMBER, 2022

WRIT PETITION No. 26774 of 2022

BETWEEN:-

**RAHUL BHANDARI S/O SHIVNARAYAN BHANDARI,
AGED ABOUT 30 YEARS, 64, GRAM AALVI TEHSIL TONK
KHURD DISTRICT DEWAS (MADHYA PRADESH)**

.....PETITIONER

(SHRI DAYA NATH PANDEY, COUNSEL FOR THE PETITIONER).

AND

- 1. THE STATE OF MADHYA PRADESH MUKHY
SACHIV VALLABH BHAWAN BHOPAL (MADHYA
PRADESH)**
- 2. SHRIMAN POLICE MAHANIDESHAK MAHODAY
POLICE MUKHYALAYA JAHAGIRABAD DISTRICT
BHOPAL (MADHYA PRADESH)**
- 3. SHRIMAN ATIRIKT POLICE MAHANIDESHAK
M A H O D A Y CHAYAN SHAKHA POLICE
MUKHAYALAY JAHANGIRABAD, DISTRICT
BHOPAL (MADHYA PRADESH)**
- 4. VYVASAIK PARIKSHA MANDAL DWARA SACHIV
CHAYAN BHAWAN MAIN ROAD ROAD. 01 CHINAR
PARK EAST DISTRICT BHOPAL (MADHYA
PRADESH)**
- 5. SHRIMAN SENANI MAHODAY PRATHAM WAHINI
V.S. BAL DISTRICT INDORE (MADHYA PRADESH)**

.....RESPONDENTS

(SHRI NITIN SINGH BHATI, G.A. FOR STATE)

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*This petition coming on for orders this day, the court passed the
following:*

ORDER

Learned counsel for the petitioner submits that a representation of the subject matter of this petition is pending before the respondents No.1 to 3. Counsel has also drawn attention of this Court to the order passed by the Supreme Court in Civil Appeal No. 7663/2021 (Praveen Kumar Kurmi vs. The State of Madhya Pradesh and others) where, the Supreme Court, in a case of similarly situated candidates had preferred an appeal before the Supreme Court which held that a person from the reserved category, though falling within the eligibility of the general seat on account of his high merit, should not be placed to a disadvantageous position as regard the service and post viz-a-viz a candidate who may be placed below him.

Under the circumstances, the petition is disposed of with a request to the respondents No.2 and 3 to consider the representation of the petitioner within a period of 60 days in light of the judgment of the Supreme Court in Civil Appeal No. 7663/2021 and also in light of the judgment of Supreme Court in Ritesh R. Sah vs. Dr. Y.L. Yamul and others (1996) 3 SCC 253. If the case of the petitioner is similar to the case of the appellants in Civil Appeal No. 7663/2021, then similar benefits be extended to the petitioner herein.

With the aforesaid, the petition is finally disposed of.

The Court makes it clear that it has not passed any observations of the merit of the case and the said representation be decided strictly in accordance with law uninfluenced by the observations of this Court.

Certified copy, as per rules.

(VIJAY KUMAR SHUKLA)
JUDGE

