



1

WP-11482-2003

IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE VISHAL MISHRA

ON THE 30th OF JANUARY, 2025WRIT PETITION No. 11482 of 2003*RAJENDRA KUMAR BEHRE**Versus**STATE OF MP AND OTHERS*

.....
Appearance:

Shri Nilesh Kotecha - Advocate for the petitioner.

Shri Prabhanshu Shukla - Government Advocate for the
respondents/State.
.....

ORDER

Initially the original application being O.A.No.1357/1997 was filed in the erstwhile State Administrative Tribunal and after abolition of the Tribunal, the same stood transferred to this Court and re-numbered as Writ Petition No.11482/2003.

2. Challenge is made to the letter dated 27.12.1996 issued by the Public Service Commission addressing the State Government that since the post of Joint Director Agriculture Engineering is not a feeder post for promotion to the post of Additional Director Agriculture, the persons holding the post of Joint Director Agricultural Engineering shall not be considered for promotion to the post of Additional Director Agriculture. The claim of the petitioner is practically based upon the fact that the order passed in Original Application No.2949/1989 has not been complied with by the authorities in toto. The order has attained finality as the same has not been put to challenge



at any point of time.

3. This Court vide order dated 30.01.2025 has considered the observations made in Original Application No.2949/1989 and has passed a detailed order in Writ Petition No.6594/2003 whereby a direction has been given to the authorities to comply with the directives issued in Original Application No.2949/1989 and to fix the seniority of the petitioner in a proper place in a seniority list and accordingly, extend the benefit of promotion to the petitioner from the date when the juniors to the petitioner was considered for promotion. Virtually the claim made in the present petition is also the same. Once, there is no challenge to the earlier order passed in original application and the same has attained finality, then the entire exercise has to be re-done by the authorities for making compliance of the order passed in original application No.2949/1998. Therefore, this petition has been filed seeking the following reliefs :-

(i) The Hon'ble Court be pleased to quash the memo dated 27.12.1996 (Annexure -A/4) or any other similar memo issued by the respondent No.2 to the State Government.

(ii) The Hon'ble Court be pleased to command the respondent No.1 and 2 to consider the name of the petitioner for promotion to the post of Additional Director while considering the names of other 15 joint Directors for the said post.

(iii) Alternatively, the Hon'ble Court be pleased to command the respondents No.1 and 2 to cancel the promotion of respondents No.3 to 5 which have not strictly been falling in Schedule 4 of the Recruitment Rules of 1966.

(iii)(a) The Hon'ble Court be pleased to command the respondents to produce complete record of the Departmental Promotion Committee held recently on the recommendations of which the respondents No.6 to 10 were promoted.

(iii)(b) The Hon'ble Court be pleased to quash the promotions of respondents No.6 to 10 by issuing a writ of certiorari as these respondents have been promoted without considering the name of the petitioner by the Departmental Promotion Committee and the principle of Article 16 of the Constitution has been violated.

(iii) (c) Alternatively, the Hon'ble Court be pleased to command the respondents No.1 and 2 to hold review DPC to consider the name of



3

WP-11482-2003

the petitioner vis-a-vis of respondents No.6 to 10 on the basis of merit-cum-seniority and promote the petitioner to the post of Additional Director Agriculture from the date the aforesaid respondents have been promoted granting petitioner's seniority on the post of Additional Director on the basis of petitioner's merit.

(iv) Any other relief, which may be deemed just and proper under the circumstances of the case.

4. Accordingly, this petition stands finally disposed off in terms of order dated 30.01.2025 passed in Writ Petition No.6594/2003.

(VISHAL MISHRA)
JUDGE

AM