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IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR

BEFORE
HON'BLE SHRI JUSTICE RAVI MALIMATH,
CHIEF JUSTICE

&
HON'BLE SHRI JUSTICE VISHAL MISHRA
ON THE 21st OF JUNE, 2022

WRIT PETITION No. 3397 of 2005

Between:-

DASHRATH LAL DEHARIA S/O SHRI NARMADA
PRASAD DEHARI, AGED ABOUT 53 YEARS, R/O
BHERAV GANJ, MUNGWANI ROAD, NEAR
MANGAL BHAWAN, SEONI (MADHYA PRADESH)

....PETITIONER

(BY SHRI VIJAY TRIPATHI - ADVOCATE - ABSENT)

AND

1. REGISTRAR GENERAL, HIGH COURT OF
JUDICATURE, JABALPUR (MADHYA PRADESH)
2. DISTRICT AND SESSIONS JUDGE, SEONI
(MADHYA PRADESH)

....RESPONDENTS

(BY SHRI ASHISH SHROTI - ADVOCATE)

WRIT PETITION No. 3398 of 2005

Between:-

N.P.RAHANGDALE S/O SHRI M.R.
RAHANGDALE, AGED ABOUT 59 YEARS, R/O
KALI CHOWK, SEONI (MADHYA PRADESH)

....PETITIONER

(BY SHRI VIJAY TRIPATHI - ADVOCATE - ABSENT)

AND

1. REGISTRAR GENERAL, HIGH COURT OF
JUDICATURE, JABALPUR (MADHYA PRADESH)
2. DISTRICT AND SESSIONS JUDGE, SEONI
(MADHYA PRADESH)

(BY SHRI ASHISH SHROTI - ADVOCATE)

These petitions coming on for hearing this day, Hon'ble Shri Justice Ravi Malimath, Chief Justice passed the following:

ORDER

Writ Petition No.3397 of 2005 is filed by petitioner - Dashrath Lal Deharia and Writ Petition No.3398 of 2005 is filed by petitioner - N.P. Rahangdale against the impugned orders of their reversion.

Since the facts and question of law that arise for consideration in both the cases are common, they are taken up for consideration together. For the sake of convenience, the facts as narrated in W.P.No.3397 of 2005 are taken into consideration.

The case of the petitioner is that he was initially appointed as Peon namely a Class-IV post with the respondent No.2. Thereafter, he was promoted on 01.02.2005 as Process Writer, which is also a Class-IV post. The respondents promoted him as Lower Division Clerk (LDC) on 30.01.1986. Thereafter, a Departmental Promotion Committee considered the case of the petitioner and recommended him for promotion as Upper Division Clerk (UDC). Thereafter, the respondent No.1 wrote a letter to the respondent No.2 directing him to take action against the employees who do not have the requisite educational qualifications to hold the post of Lower Division Clerk. The petitioner was served with a communication dated 10.02.2003 asking him to submit the documents with regard to his educational qualification. He submitted the same. It was found that he did not possess the requisite educational qualification to hold the post of Lower Division Clerk. The post of Lower Division Clerk called for a minimum qualification of Higher Secondary. The

petitioner possessed the qualification of Matriculation. Therefore, the impugned order was passed reverting him to the Class-IV post. Hence, the instant petition is filed.

We have considered the pleadings.

It is narrated that the petitioner was promoted by the respondents themselves. It is they, who thought him to be fit enough to hold the post of Lower Division Clerk. He held the post until the year 2002 namely from 1986 onwards. Thereafter, he was reverted to the post of Process Writer. He has not committed any fault. Therefore, the impugned order requires to be quashed by restoring his earlier position.

The same is disputed by the respondents, who have filed their return. They contend that in order to hold the post of Lower Division Clerk, the minimum educational qualification is Higher Secondary. Admittedly, the petitioner holds only a qualification of Matriculation and, therefore, he is not entitled to the same. Hence, there is no error committed by passing the impugned order.

Heard respondents' counsel.

The plea of the respondents that the petitioner is not educationally qualified to hold the post of Lower Division Clerk, is undisputed. Admittedly, the petitioner only holds Matriculation and is not qualified to hold the post of Lower Division Clerk. However, what is of concern to us is the fact that the respondents have allowed him to work on the post of Lower Division Clerk from the year 1986 to the year 2002 namely for a period of almost 16 years. It is the respondents themselves, who have promoted the petitioner. No fault can be found with the petitioner. For no fault of his, he has suffered unnecessary humiliation in view of his demotion from the post of Lower Division Clerk to

the post of a Group IV namely a Process Writer. Therefore, we find that the action of the respondents in reverting the petitioner after a gap of 16 years may not be fair. It is not a case that immediately on coming to know, the same has been done. Since the petitioner has worked for almost 16 years as Lower Division Clerk, we deem it just and necessary that in a given facts and circumstances of the case, it would be appropriate to meet the ends of justice to direct respondent No.1 to pay costs of Rs.1,00,000/- (Rupees One Lakh Only). This, we feel, would render substantial justice to the case of the petitioner.

Consequently, both these petitions are partly allowed.

The plea of the petitioner seeking to quash the impugned order is rejected. However, the respondent No.1 is directed to pay a cost of Rs.1,00,000/-(Rupees One Lakh Only) to each one of the writ petitioners within a period of four weeks from today.

Since, the learned counsel for the petitioners is absent, the Registry to communicate a copy of this order to the respective writ petitioners.

(RAVI MALIMATH)
CHIEF JUSTICE

(VISHAL MISHRA)
JUDGE