

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

BEFORE

HON'BLE SHRI JUSTICE VIVEK JAIN

ON THE 22nd OF SEPTEMBER, 2025

WRIT PETITION No. 29872 of 2018

PARMESHWAR SINGH

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

WITH

WRIT PETITION No. 22337 of 2019

ABHISHEK SHUKLA

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

Appearance:

Shri Rambihari Gautam - Advocate for the petitioner.

Shri V.P. Tiwari – G.A. for the respondent – State.

*Shri K.C. Ghildiyal - Senior Advocate with ShriKapil Sharma –
Advocate for the respondent No.6.*

ORDER

These petitions involve identical issue in relation to appointment on the same post. Therefore, they are being analogously heard and decided by this common order. For sake of convenience, reference to facts and documents is taken from W.P. No. 22337 of 2019.

2. W.P. No.22337 of 2019 has been filed by selected candidate challenging the order of termination from service Annexure P-16 dated 05.10.2019 so also order Annexure P-15 dated 01.10.2019 passed at the instance of Sarpanch, whereby the Commissioner, State Employment

Guarantee Council has directed termination of services of petitioner. It is in compliance of order Annexure P-15 that the consequential order has been passed by Janpad Panchayat, Pali, District Umaria.

3. The present case relates to appointment of Gram RojgarSahayak in Gram Panchayat, Malhadu, Janpath Panchayat, Pali District Umaria.

4. In W.P. No.29872/2018, a prayer has been made by one of the candidates who participated in the process, to take consequential action as per the enquiry report Annexure P-6, wherein the Sub Division Officer had found various illegalities in the appointment of the petitioner in W.P. No.22337/2019, namely ShriAbhishek Shukla.

5. The undisputed facts of the case are that initially in the year 2010, a notification was issued for appointment of Gam RojgarShayak in the Gram Panchayat and as many as 24 applications were received. However, the proceedings were shelved because allegedly since the petitioner AbhishekShukla was minor, therefore, he could not be considered for the post and then again in the year 2012, the proceedings were reinitiated when he got age of majority. In this proceedings of the year 2012, only 4 applications were received and the petitioner was selected. It is not in dispute that the father of petitioner, namely ShriChandramohanShukla was the Vice-Chairman of Janpad Panchayat and the mother of petitioner was Up-Sarpanch of the same Gram Panchayat.

6. Learned Senior Counsel for the Petitioner had argued that only because father and mother of the present petitioner were in position of power in Gram Panchayat and Janpad Panchayat would not mean that they could manipulate the process in favour of petitioner, because selection was not based on any interview or subjective satisfaction, but was purely on the basis of merit as per the qualification, experience, etc. It is argued that such qualification and experience have an established system of award of marks which could not be changed by the office bearers of the Panchayat and moreover, there is no disqualification clause like there is in Section 69(1) of M.P. Panchayat Raj Evam Gram Swaraj Adhiniyam in the matter of Panchayat Secretary.

7. Therefore, it is argued that the enquiry report filed as Annexure P-6 in W.P. No.29872/2018 is totally irrelevant. It is further argued that initially, FIR was lodged against the petitioner, but later on since the University duly verified the mark sheet/certificate issued to the petitioner, therefore, even the police have recommended an expunge report against the petitioner, though the same is yet to be accepted by the court.

8. Upon hearing the rival parties, it is seen that one of the main grounds of attack against the appointment of the petitioner is that he obtained a certificate of D.C.A. (Diploma in Computer Education) from C.M.J. University, Meghalaya dated 10.08.2011, which was initially found to be forged. The petitioner has relied on the certificate issued by the said

University subsequently and placed on record as Annexure P-1, signed by the Vice-Chancellor and declares that the petitioner has passed the University examination held in the year 2011 with First Division and got diploma in Computer Education. Very strangely, this certificate is signed on 12.12.2016 by the Registrar and Vice-Chancellor of the University and it verifies the petitioner to have obtained D.C.A. qualification in the year 2011. Even if the certificate is taken at its face value, then it would be evident that since the certificate is issued on 12.12.2016, therefore, the date of acquisition of qualification would be 12.12.2016 and not the year 2012 when the second process for appointment of Gram RojgarSahayak had started. The petitioner had earlier relied on a mark-sheet of the year 2011, but thereafter an FIR was lodged against him in the matter of forged mark-sheet and therefore, now in the present petition he has relied on the certificate Annexure P-1 dated 12.12.2016.

9. This Court cannot accept that the University could issue certificate in the year 2016 based on an examination in the year 2011 and also how the University could award "Degree" for the certificate of Diploma in Computer Education, which is not a graduate or post graduate degree.

10. All these issues in fact do not require any consideration in view of the validity of C.M.J. University, Meghalaya having been conclusively decided by the Hon'ble Apex Court.

11. The said University was constituted under C.M.J. University Act, 2009 and on 12.06.2013, the Governor of the State of Meghalaya made recommendations for dissolution of the said University and noted that all the facts placed before the Governor, who was also a visitor of the University clearly indicate mismanagement, indiscipline, mal-administration and failure in the accomplishment of objectives of the University, apart from criminal liability. Therefore, the Governor/Visitor directed winding up of the University with further direction to the University to recall and withdraw all the degrees awarded so far and publish this fact in national and local newspapers at their own cost.

12. The decision of the Governor/visitor was considered by the Hon'ble Apex Court in ***SLP Civil No.19617/2013 (C.M.J. Foundation vs. State of Meghalaya)*** and the Hon'ble Apex Court directed the State Government to take appropriate consequential action under Section 48 of the 2009 Act after taking representation of the stakeholders including the students whose degrees have been cancelled.

13. Thereafter, the State Government took consequential action and wound up the University. The matter reached the Meghalaya High Court, whereby the State Government had dissolved the said University by passing a consequential order on 31.03.2014 under Section 48 of the 2009 Act.

14. The Single Bench of Meghalaya High Court quashed the order of dissolution and directed the State Authorities to pass a speaking order against which the State Government filed writ appeal before the Division Bench of the Meghalaya High Court and the Division Bench vide interim order dated 12.06.2017 stayed operation of the final order dated 16.07.2015 passed by the Single Bench. Thereafter, as per orders of the Hon'ble Apex Court, the writ appeal pending before the Meghalaya High Court was transferred to the Guwahati High Court on account of the reason that Meghalaya High Court at that time had only two judges and one of whom had refused from hearing the case.

15. Thereafter, the Division Bench of Guwahati High Court set aside the order of single bench of Meghalaya High Court and remanded the matter to the single judge to decide the case afresh on merits by continuing the interim order passed by the Hon'ble Apex Court whereby the interim order passed by the Division Bench had been stayed by the Hon'ble Apex Court.

16. It was in this backdrop that the matter again reached the Hon'ble Apex Court against the judgement of the Division Bench of Guwahati High Court.

17. The aforesaid matter has been decided conclusively by the Hon'ble Apex Court in ***Civil Appeal No.9694 of 2024 (C.M.J. Foundation Vs. State of Meghalaya, 2025 INSC 211)*** decided recently on 13.02.2025

and the Hon'ble Apex Court this time set aside all the orders of the Single Bench and Division Bench and directed dissolution of the University as decided by the State Government on w.e.f. 31.03.2014. The operative para of the said judgement is as under:-

“69. The issues raised for the consideration of this Court are answered as follows:-

i. The procedure prescribed under Section 14(1) of the Act for the appointment of the Chancellor was not duly followed by the CMJ University and consequently, the appointment of the Chancellor of the CMJ University was non est and void ab initio”.

ii. The dissolution order dated 31st March, 2014 has been passed with strict adherence to the procedural requirements outlined under Section 48 of the CMJ University Act, 2009, and in compliance of the directions issued by this Court in its order dated 13th September, 2013 passed in SLP(C) No. 19617 of 2013.

iii. The Division Bench of the High Court was not justified in remanding the matter to the learned Single Judge for reconsideration on merits.

iv. The decision of the State Government dated 31st March, 2014 in dissolving the CMJ University is affirmed. It would be open for the State Government to take appropriate measures pursuant to the affirmation of the decision to dissolve the CMJ University.”

18. From a perusal of the factual history as noted in the aforesaid judgement by the Hon'ble Apex Court, it is clear that there were a lot of mismanagements in the matter of running of the said University and it has duly been noted by the Hon'ble Apex Court that the State Government accorded sanction for establishment of C.M.J. University vide Notification dated 17.06.2010.

19. Noting these facts that the UGC issued notice to all concerned vide letter dated 25.11.2010 in the matter of establishment of the University as a State Private University, then the admission could only have been made from the next Session thereafter i.e., from the Session 2011 and therefore, the petitioner having obtained DCA degree in the year 2011 itself becomes suspicious. However, the University contended before the Hon'ble Apex Court that it had started courses from the Session 2010-11. The contention of the University was that it has admitted 176 students in the session 2010-11. The Chancellor of the University was not approved nor appointed by the State Government and the University functioned from 17.10.2010 with self-appointed Chancellors without approval of visitor and this was one of the grounds on which the University was directly to be wound up by the visitor/Governor of the State of Meghalaya.

20. In view of the aforesaid litigation in the matter of setting up of the said University i.e. C.M.J. University, it is clear that the degree awarded to the petitioner in the year 2011 and issued in the year 2016 is in itself a nullity and no benefit would accrue to the petitioner on the strength of the said degree. The winding up of the University has been affirmed by the Hon'ble Apex Court and the order of the Governor in directing the University to withdraw all the degrees awarded so far till date of winding up has also been upheld by the Hon'ble Apex Court.

21. Therefore, it is clear that the petitioner has been wrongly awarded Computer Diploma Marks on basis of a certificate that was utterly illegal, and therefore, his appointment was erroneous.

22. Therefore, the petition against the orders Annexure P-15 and P-16, whereby the appointment of the petitioner has been held illegal, is dismissed. The impugned orders Annexure P-15 and P-16 in the matter of termination of services of the petitioner are upheld.

23. So far as W.P. No.29872/2018 is concerned, in the said petition relief is sought to take action on the enquiry report. As the action on the enquiry report has been taken and consequential termination orders have been passed which have been upheld by this Court in WP 22337/2019, therefore, this particular petition has rendered infructuous as the relief claimed has already been worked out. The respondents are at liberty either to re-operate the panel or to issue fresh advertisement.

24. Consequently, W.P. No.22337/2019 is **dismissed** and the orders impugned therein are upheld, while W.P. No.29872/2018 is **disposed of** as having rendered infructuous.

(VIVEK JAIN)
JUDGE