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

**BEFORE
HON'BLE SHRI JUSTICE VIVEK AGARWAL
ON THE 1st OF MARCH, 2024**

WRIT PETITION No. 10444 of 2020

BETWEEN:-

1. TRIBAL WELFARE TEACHERS ASSOCIATION
PRESIDENT D.K. SINGORE ANAND COLONY,
DEODARA (MADHYA PRADESH)
2. PARMANAND DEHARIYA S/O B.L.DEHARIYA,
AGED ABOUT 50 YEARS, OCCUPATION:
PRATHAMIK SHIKSHAK GOVT.PRIMARY SCHOOL
SHHIDIYA SEONI (MADHYA PRADESH)

.....PETITIONERS

*(BY SHRI K.C. GHILDIYAL - SENIOR ADVOCATE WITH SHRI ADITYA
VEER SINGH)*

AND

1. STATE OF MP THR.PRINCIPAL SECRETARY
SCHOOL EDUCATION DEPARTMENT VALLABH
BHAWAN (MADHYA PRADESH)
2. PRINCIPAL SECRETARY TRIBAL DEVELOPMENT
DEPARTMENT VALLABH BHAWAN BHOPAL
(MADHYA PRADESH)
3. PRINCIPAL SECRETARY FINANCE DEPARTMENT
VALLABH BHAWAN BHOPAL (MADHYA PRADESH)
4. THE COMMISSIONER TRIBAL DEVELOPMENT
DISTT.BHOPAL (MADHYA PRADESH)
5. NATIONAL SECURITES DEPOSITORY LIMITED
THROUGH EXECUTIVE DIRECTOR TRADE
WORLD A - WING 4TH FLOOR KAMLA MILLS
COMPOUNDS LOWER PAREL (MAHARASHTRA)
6. PENSION FUNDS REGULATORY AND
DEVELOPMENT AUTHORITY THROUGH
EXECUTIVE DIRECTOR B-14/A CHATRAPATI
SHIVAJI BHAWAN QUTUB INSTITUTIONAL AREA

(BY SHRI AMIT MISHRA - PANEL LAWYER)

WRIT PETITION No. 1998 of 2021

BETWEEN:-

1. PRAKASH VAIDH S/O SHRI TILAK CHAND VAIDH, AGED ABOUT 41 YEARS, OCCUPATION: PRATHAMIK SHIKSHAK GOVT. PRIMARY SCHOOL KOTRI BLOCK ANDNDASH; KIRNAPUR DISTRICT ANDNDASH; BALAGHAT M.P. DISTT. (MADHYA PRADESH)
2. RANJEET GANVIR S/O LATE VANWASH GANVIR, AGED ABOUT 47 YEARS, OCCUPATION: PRATHAMIK SHIKSHAK GOVT.PRIMARY SCHOOL KOHKA BLOCK KIRNAPUR DISTT.BALAGHAT (MADHYA PRADESH)
3. HEMAN LAL LILHARE S/O KISHAN LAL LILHARE, AGED ABOUT 46 YEARS, OCCUPATION: MADHYAMIK SHIKSHAK GOVT.GILRS HIGHER SECONDARY SCHOOL KIRNAPUR BLOCK KIRNAPUR (MADHYA PRADESH)
4. ROOP LAL UIKEY S/O BHIV RAM UIKEY, AGED ABOUT 50 YEARS, OCCUPATION: PRATHAMIK SHIKSHAK GOVT.PRIMARY SCHOOL MAHAJAN TOLA BLOCK KIRNAPUR (MADHYA PRADESH)
5. RAJESH KUMAR NAKPURE S/O PANNA LAL NAKPURE, AGED ABOUT 48 YEARS, OCCUPATION: PRATHAMIK SHIKSHAK GOVT.PRIMARY SCHOOL SIKRA BLOCK KIRNAPUR (MADHYA PRADESH)
6. NARENDRA KUMAR PANDEY S/O KHEM RAJ PANDEY, AGED ABOUT 50 YEARS, OCCUPATION: PRATHAMIK SHIKSHAK GOVT.PRIMARY SCHOOL RAN KAKODI BLOCK KIRNAPUR (MADHYA PRADESH)
7. UMMED SINGH KODAPE S/O POL SINGH KODAPE, AGED ABOUT 52 YEARS, OCCUPATION: PRATHAMIK SHIKSHAK GOVT.PRIMARY SCHOOL KINHI BLOCK KIRNAPUR (MADHYA PRADESH)
8. DEV RAJ MASHRAM S/O GEND LAL MASHRAM,

AGED ABOUT 42 YEARS, OCCUPATION:
PRATHAMIK SHIKSHAK GOVT.PRIMARY SCHOOL
CHANGERA BLOCK KIRNAPUR (MADHYA
PRADESH)

9. NARAYAN PRASAD MISHRA S/O LUKAI PRASAD MISHRA, AGED ABOUT 57 YEARS, OCCUPATION:
PRATHAMIK SHIKSHAK GOVT.PRIMARY SCHOOL
KINHI BLOCK KIRNAPUR (MADHYA PRADESH)
10. SUNDER LAL SIRSAM S/O JEEVAN LAL SIRSAM,
AGED ABOUT 52 YEARS, OCCUPATION:
MADHYAMIK SHIKSHAK GOVT.HIGH SCHOOL
BELGAON BLOCK KIRNAPUR (MADHYA
PRADESH)
11. MANOJ KUMAR BRAMHE S/O MADAN LAL
BRAMHE, AGED ABOUT 46 YEARS, OCCUPATION:
MADHYAMIK SHIKSHAK GOVT.MIDDLE SCHOOL
SALETEKA BLOCK KIRNAPUR (MADHYA
PRADESH)
12. MAN SINGH JATPELE S/O DHAN SINGH JATPELE,
AGED ABOUT 46 YEARS, OCCUPATION:
MADHYAMIK SHIKSHAK GOVT.HIGHER
SECONDARY SCHOOL KINHI BLOCK KIRNAPUR
(MADHYA PRADESH)
13. BALI RAM SONWANE S/O SUKYA JI SONWANE,
AGED ABOUT 48 YEARS, OCCUPATION:
PRATHAMIK SHIKSHAK GOVT.PRIMARY SCHOOL
NAMBER TOLA BLOCK KIRNAPUR (MADHYA
PRADESH)
14. JHANKAR SINGH WADIWA S/O KANNU LAL, AGED
ABOUT 46 YEARS, OCCUPATION: PRATHAMIK
SHIKSHAK GOVT.PRIMARY SCHOOL BATAMA
BLOCK KIRNAPUR (MADHYA PRADESH)
15. NAMI CHAND PARIHAR S/O SITA RAM PARIHAR,
AGED ABOUT 55 YEARS, OCCUPATION: UCHCH
MADHYAMIK SHIKSHAK GOVT.EXCELLENCE
SCHOOL KIRNAPUR BLOCK KIRNAPUR (MADHYA
PRADESH)
16. SMT.BHUMESHWARI PARIHAR W/O NAMI
CHAND PARIHAR, AGED ABOUT 50 YEARS,
OCCUPATION: UCHCH MADHYAMIK SHIKSHAK
GOVT.HIGHER SECONDARY SCHOOL KUNDA
MOHGAON BLOCK KIRNAPUR (MADHYA
PRADESH)

17. **JEHRU SINGH SAIYYAM S/O GOVIND SINGH SAIYYAM, AGED ABOUT 48 YEARS, OCCUPATION: PRATHAMIK SHIKSHAK GOVT.PRIMARY SCHOOL KINHI BLOCK KIRNAPUR (MADHYA PRADESH)**
18. **RADHESHYAM NAKPURE S/O MADHO LAL NAKPURE, AGED ABOUT 50 YEARS, OCCUPATION: PRATHAMIK SHIKSHAK GOVT.PRIMARY SCHOOL SINGHODI BLOCK KIRNAPUR (MADHYA PRADESH)**
19. **SHAILENDRA CHAUHAN S/O PRATAP SINGH CHAUHAN, AGED ABOUT 43 YEARS, OCCUPATION: PRATHAMIK SHIKSHAK GOVT.PRIMARY SCHOOL KANERI BLOCK KIRNAPUR (MADHYA PRADESH)**
20. **SHAILENDRA BOPCHE S/O MOPKU LAL BOPCHE, AGED ABOUT 46 YEARS, OCCUPATION: MADHYAMIK SHIKSHAK GOVT.GILRS HIGH SCHOOL HIRRI BLOCK KIRNAPUR (MADHYA PRADESH)**
21. **LAKHAN LAL RIYAYAT S/O OMKAR LAL RINAYAT, AGED ABOUT 44 YEARS, OCCUPATION: UCHCH MADHYAMIK SHIKSHAK GOVT.EXCELLENCE HIGHER SECONDARY SCHOOL BLOCK KIRNAPUR (MADHYA PRADESH)**
22. **LAXMI NARAYAN BASENA S/O NATTHE LAL BASENA, AGED ABOUT 46 YEARS, OCCUPATION: UCHCH MADHYAMIK SHIKSHAK GOVT.EXCELLENCE HIGHER SECONDARY SCHOOL BLOCK KIRNAPUR (MADHYA PRADESH)**
23. **RAM GEDAM S/O YADO RAO GEDAM, AGED ABOUT 45 YEARS, OCCUPATION: MADHYAMIK SHIKSHAK GOVT.EXCELLENCE HIGHER SECONDARY SCHOOL BLOCK KIRNAPUR (MADHYA PRADESH)**
24. **SURENDRA KUMAR CHITRIV S/O CHANDAN LAL CHITRIV, AGED ABOUT 46 YEARS, OCCUPATION: KHEL KUD SHIKSHAK GRADE B GOVT.EXCELLENCE HIGHER SECONDARY SCHOOL BLOCK KIRNAPUR (MADHYA PRADESH)**
25. **SIYA RAM PANCHE S/O RAMESHWAR PANCHE, AGED ABOUT 43 YEARS, OCCUPATION: MADHYAMIK SHIKSHAK GOVT.EXCELLENCE HIGHER SECONDARY SCHOOL BLOCK KIRNAPUR (MADHYA PRADESH)**

26. **HARISH KUMAR DHUWARE S/O KUNWAR LAL DHUWARE, AGED ABOUT 51 YEARS, OCCUPATION: KHEL KUD SHIKSHAK GRADE B GOVT.EXCELLENCE HIGHER SECONDARY SCHOOL BLOCK KIRNAPUR (MADHYA PRADESH)**
27. **RAJENDRA SAHARE S/O LIMBAJI SAHARE, AGED ABOUT 51 YEARS, OCCUPATION: KHEL KUD SHIKSHAK GRADE B GOVT.EXCELLENCE HIGHER SECONDARY SCHOOL KHAILANGI BLOCK KHAIRLANGI (MADHYA PRADESH)**
28. **SMT.ASHMA KHAN W/O MAZHAR KHAN, AGED ABOUT 52 YEARS, OCCUPATION: PRATHAMIK SHIKSHAK GOVT.PRIMARY SCHOOL KATANGI BLOCK KIRNAPUR (MADHYA PRADESH)**
29. **RAJA RAM THAKRE S/O PREM LAL THAKRE, AGED ABOUT 48 YEARS, OCCUPATION: MADHYAMIK SHIKSHAK (B.A.C.) JANPAD SHIKSHA KENDRA LALBARRA BLOCK LALBARRA (MADHYA PRADESH)**
30. **SMT.SARITA PADWAR W/O ANIL PADWAR, AGED ABOUT 41 YEARS, OCCUPATION: MADHYAMIK SHIKSHAK GOVT.GILRS HIGHER SECONDARY SCHOOL KIRNAPUR BLOCK KIRNAPUR (MADHYA PRADESH)**
31. **MAHESH BOPCHE S/O FAGAN LAL BOPCHE, AGED ABOUT 51 YEARS, OCCUPATION: MADHYAMIK SHIKSHAK GOVT.MIDDLE SCHOOL BADGAON BLOCK KIRNAPUR (MADHYA PRADESH)**
32. **MANOJ MESHARAM S/O RATI RAM MESHARAM, AGED ABOUT 50 YEARS, OCCUPATION: PRATHAMIK SHIKSHAK GOVT.MIDDLE SCHOOL BADGAON BLOCK KIRNAPUR (MADHYA PRADESH)**
33. **SMT.MEENA MESHARAM W/O ANIL MESHARAM, AGED ABOUT 43 YEARS, OCCUPATION: PRATHAMIK SHIKSHAK GOVT.BASIC MIDDLE SCHOOL KIRNAPUR BLOCK KIRNAPUR (MADHYA PRADESH)**
34. **MUNNA LAL BOPCHE S/O SHANKAR LAL BOPCHE, AGED ABOUT 49 YEARS, OCCUPATION: PRATHAMIK SHIKSHAK GOVT.MIDDLE SCHOOL MOHGAON KALA BLOCK KIRNAPUR (MADHYA**

PRADESH)

35. SMT.SEEMA DONGRE W/O YOGESH DONGRE, AGED ABOUT 45 YEARS, OCCUPATION: PRATHAMIK SHIKSHAK GOVT.PRIMARY SCHOOL JARAHI BLOCK KIRNAPUR (MADHYA PRADESH)
36. SMT.SINDHU BHAUTEKAR W/O ASHOK BHAUTEKAR, AGED ABOUT 42 YEARS, OCCUPATION: PRATHAMIK SHIKSHAK GOVT.PRIMARY SCHOOL BORGAON BLOCK KIRNAPUR (MADHYA PRADESH)
37. SUBE LAL UIKEY S/O KASHI RAM UIKEY, AGED ABOUT 45 YEARS, OCCUPATION: PRATHAMIK SHIKSHAK GOVT.PRIMARY SCHOOL SITAPAR BLOCK KIRNAPUR (MADHYA PRADESH)
38. MUKESH RAMTEKE S/O NARAYAN RAMTEKE, AGED ABOUT 49 YEARS, OCCUPATION: PRATHAMIK SHIKSHAK GOVT.PRIMARY SCHOOL SALHE BLOCK KIRNAPUR (MADHYA PRADESH)
39. SHIVCHARAN KHARE S/O KANHAR LAL KHARE, AGED ABOUT 51 YEARS, OCCUPATION: PRATHAMIK SHIKSHAK GOVT.MIDDLE SCHOOL BINORA BLOCK KIRNAPUR (MADHYA PRADESH)
40. CHITRASEN RAMTEKE S/O NARAYAN RAMTEKE, AGED ABOUT 50 YEARS, OCCUPATION: PRATHAMIK SHIKSHAK GOVT.PRIMARY SCHOOL PANGAON BLOCK KIRNAPUR (MADHYA PRADESH)
41. SMT.SANTOSHI KODWATI W/O ATUL KODWATI, AGED ABOUT 40 YEARS, OCCUPATION: PRATHAMIK SHIKSHAK GOVT.PRIMARY SCHOOL BORGAON BLOCK KIRNAPUR (MADHYA PRADESH)
42. BHAGWAT BHASKAR S/O GEND LAL BHASKAR, AGED ABOUT 50 YEARS, OCCUPATION: PRATHAMIK SHIKSHAK GOVT.PRIMARY SCHOOL WARD BLOCK KIRNAPUR (MADHYA PRADESH)
43. RADHESHYAM DHEKWAR S/O MOTI RAM DHEKWAR, AGED ABOUT 48 YEARS, OCCUPATION: MADHYAMIK SHIKSHAK GOVT.HIGH SCHOOL PANGAON BLOCK KIRNAPUR (MADHYA PRADESH)
44. SMT.PUSHPA MESHARAM W/O MANOJ MESHARAM,

AGED ABOUT 48 YEARS, OCCUPATION:
PRATHAMIK SHIKSHAK GOVT.PRIMARY SCHOOL
BAMHANGAON BLOCK KIRNAPUR (MADHYA
PRADESH)

45. DRAUPADI RAHANGDALE S/O LURENDRA RAHANGDALE, AGED ABOUT 44 YEARS, OCCUPATION: PRATHAMIK SHIKSHAK GOVT.PRIMARY SCHOOL KATORI BLOCK KIRNAPUR (MADHYA PRADESH)
46. AFROZ SULTANA KHAN W/O AZIM KHAN, AGED ABOUT 48 YEARS, OCCUPATION: PRATHAMIK SHIKSHAK GOVT.PRIMARY SCHOOL PANGAON BLOCK KIRNAPUR (MADHYA PRADESH)
47. SMT.USHA GAJBHIYE W/O BHAJ LAL, AGED ABOUT 46 YEARS, OCCUPATION: PRATHAMIK SHIKSHAK GOVT.PRIMARY SCHOOLKANHAR TOLA PANGAON BLOCK KIRNAPUR (MADHYA PRADESH)
48. RAVINDRA KHOBRAGADE S/O BALARAM KHOBRAGADE, AGED ABOUT 52 YEARS, OCCUPATION: PRATHAMIK SHIKSHAK GOVT.MIDDLE SCHOOL BASIC KIRNAPUR BLOCK KIRNAPUR (MADHYA PRADESH)
49. MANNU LAL BHALAVI S/O JAYAN LAL BHALAVI, AGED ABOUT 52 YEARS, OCCUPATION: PRATHAMIK SHIKSHAK GOVT.PRIMARY SCHOOL BHUWA BLOCK KIRNAPUR (MADHYA PRADESH)
50. CHANDRESH KUMAR GOSWAMI S/O K.N.GOSWAMI, AGED ABOUT 50 YEARS, OCCUPATION: PRATHAMIK SHIKSHAK GOVT.BASIC MIDDLE SCHOOL KIRNAPUR BLOCK KIRNAPUR (MADHYA PRADESH)
51. RAJENDRA KUMAR MARSKOLE S/O MOHAN LAL MARSKOLE, AGED ABOUT 43 YEARS, OCCUPATION: PRATHAMIK SHIKSHAK GOVT.MIDDLE SCHOOL SEONI KHURD BLOCK KIRNAPUR (MADHYA PRADESH)
52. DEVENDRA PURI GOSWAMI S/O K.N.GOSWAMI, AGED ABOUT 52 YEARS, OCCUPATION: MADHYAMIK SHIKSHAK GOVT.MIDDLE SCHOOL BADGAON BLOCK KIRNAPUR (MADHYA PRADESH)

53. **DAMYANTI DHURWAY W/O NARSINGH DHURWAY, AGED ABOUT 47 YEARS, OCCUPATION: PRATHAMIK SHIKSHAK GOVT.PRIMARY SCHOOL PALA BLOCK KIRNAPUR (MADHYA PRADESH)**
54. **UMESH KUMAR BHOOTE S/O CHANDAN LAL BHOOTE, AGED ABOUT 48 YEARS, OCCUPATION: MADHYAMIK SHIKSHAK GOVT.HIGH SCHOOL KIRRI BLOCK KIRNAPUR (MADHYA PRADESH)**
55. **KAMAL CHAND SONI S/O HARI CHAND SONI, AGED ABOUT 47 YEARS, OCCUPATION: PRATHAMIK SHIKSHAK GOVT.MIDDLE SCHOOL BAMHANGAON BLOCK KIRNAPUR (MADHYA PRADESH)**
56. **DILIP KUMAR SONI S/O SHIVCHAND SONI, AGED ABOUT 51 YEARS, OCCUPATION: MADHYAMIK SHIKSHAK GOVT.BASIC MIDDLE SCHOOL KIRNAPUR BLOCK KIRNAPUR (MADHYA PRADESH)**
57. **VIJAY KUMAR BOPCHE S/O MULCHAND BOPCHE, AGED ABOUT 51 YEARS, OCCUPATION: KHEL KUD SHIKSHAK GRADE B GOVT.GIRLS HIGHER SECONDARY SCHOOL KIRNAPUR BLOCK KIRNAPUR (MADHYA PRADESH)**
58. **SMT.KEMESHWARI DIYEWAR W/O CHHATRAPATI DIYEWAR, AGED ABOUT 58 YEARS, OCCUPATION: MADHYAMIK SHIKSHAK GOVT.GIRLS HIGHER SECONDARY SCHOOL KIRNAPUR BLOCK KIRNAPUR (MADHYA PRADESH)**
59. **ANAND WASNIK S/O BHIMRAJ WASNIK, AGED ABOUT 44 YEARS, OCCUPATION: PRATHAMIK SHIKSHAK GOVT.PRIMARY SCHOOL NANDORA BLOCK KIRNAPUR (MADHYA PRADESH)**
60. **NET LAL DHAMDE S/O TILAK CHAND DHAMDE, AGED ABOUT 47 YEARS, OCCUPATION: PRATHAMIK SHIKSHAK GOVT.PRIMARY SCHOOL DAHEDI BLOCK KIRNAPUR (MADHYA PRADESH)**
61. **SOHAN LAL BIRAGARE S/O DEVRAM BIRAGARE, AGED ABOUT 42 YEARS, OCCUPATION: MADHYAMIK SHIKSHAK GOVT.PRIMARY GIRLS SCHOOL HIGHER SECONDARY SHOOOL KIRNAPUR BLOCK KIRNAPUR (MADHYA PRADESH)**
62. **KHEM LAL RAHANGDALE S/O BABU LAL**

RAHANGDALE, AGED ABOUT 48 YEARS,
OCCUPATION: MADHYAMIK SHIKSHAK
GOVT.PRIMARY GIRLS SCHOOL HIGHER
SECONDARY SHOOOL KIRNAPUR BLOCK
KIRNAPUR (MADHYA PRADESH)

63. VENSU KUMAR MATE S/O HEM RAJ MATE, AGED ABOUT 47 YEARS, OCCUPATION: PRATHAMIK SHIKSHAK GOVT.MIDDLE SCHOOL KARIYADAND BLOCK KIRNAPUR (MADHYA PRADESH)
64. GANVEER SINGH KUMRE S/O GODHAN SINGH KUMRE, AGED ABOUT 53 YEARS, OCCUPATION: PRATHAMIK SHIKSHAK GOVT.PRIMARY SCHOOL KARIYADAND BLOCK KIRNAPUR (MADHYA PRADESH)
65. DEV RAM DHARNE S/O KOLHU RAM DHARNE, AGED ABOUT 50 YEARS, OCCUPATION: PRATHAMIK SHIKSHAK GOVT.PRIMARY SHOOOL DHOLIYATOLA BLOCK KIRNAPUR (MADHYA PRADESH)

....PETITIONERS

(NONE)

AND

1. THE STATE OF MADHYA PRADESH THRU THE PRINCIPLE SECRETARY EDUCATION DEPARTMENT VALLABH BHAWAN BHOPAL DISTT. (MADHYA PRADESH)
2. PRINCIPAL SECRETARY TRIBAL DEVELOPMENT VALLABH BHAWAN BHOPAL (MP.) (MADHYA PRADESH)
3. PRINCIPAL SECRETARY FINANCE DEPARTMENT VALLABH BHAWAN BHOPAL (MP.) (MADHYA PRADESH)
4. THE COMMISSIONER TRIBAL DEVELOPMENT DIST.BHOPAL (MADHYA PRADESH)
5. NATIONAL SECURITIES DEPOSITARY LIMITED THROUGH EXECUTIVE DIRECTOR TRADE WORLD A-WING 4 FLOOR KAMLA MILLS COMPOUNDS LOWER PAREL MUMBAI (MAHARASHTRA)
6. PENSION FUNDS REGULATORY AND

DEVELOPMENT THROUGH EXECUTIVE
DIRECTOR AUTHORITY B-14/A CHATRAPATI
SHIVAJI BHAWAN QUTUB INSTITUTIONAL AREA
KATWARIA SARAL NEW DELHI (DELHI)

.....RESPONDENTS

(BY SHRI AMIT MISHRA - PANEL LAWYER)

WRIT PETITION No. 3407 of 2022

BETWEEN:-

1. PRAHLAD DEHARIYA S/O LATE PATANGILAL DEHARIYA, AGED ABOUT 51 YEARS, OCCUPATION: WORKING AS UPPER MIDDLE TEACHER COMMERCE POSTED AT GOVERNMENT HR. SEC SCHOOL DHANORA BLOCK HARRAI DISTRICT CHHINDWARA R/O VILLAGE DHANORA BLOCK HARRAI DISTRICT CHHINDWARA M.P. (MADHYA PRADESH)
2. TEEKAM SHAH UEIKEY S/O LATE SHRI NEPAL SHAH UEIKEY, AGED ABOUT 56 YEARS, OCCUPATION: WORKING AS MADHYAMIK SHIKSHAK POSTED AT GOVERNMENT MIDDLE SCHOOL ANDOL SANKUL GOVT. HIGHER SECONCARY SCHOOL DHANORA DISTRICT CHHINDWARA VILLAGE KOTHIYA TAHSIL HARRAI (MADHYA PRADESH)
3. AJAY PAL DEHARIYA S/O LATE SHRI LALTA PRASAD DEHARIYA, AGED ABOUT 47 YEARS, OCCUPATION: PRATHMIK SHIKSHAK POSTED AT GOVT. PRIMARY SCHOOL KOTHIYA SANKUL GOVT. HIGHER SECONDARY SCHOOL DHANOURA DISTRICT CHHINDWARA VILLAGE KHAGONIYA TAHSIL HARRAI (MADHYA PRADESH)
4. KISHNU PRASAD NAWRETI (DEAD) THROUGH LRS. SMT. CHAMPA NAWRETI W/O LATE SHRI KISHNU PRASAD NAWRETI, AGED ABOUT 54 YEARS, OCCUPATION: SAHAYAK ADHYAPK VILLAGE SIGODI TAHSIL AMARWADA (MADHYA PRADESH)
5. SURESH KUMAR DEHARIYA S/O SHRI BHADDU LAL DEHARIYA, AGED ABOUT 46 YEARS, OCCUPATION: PRATHMIK SHIKSHAK POSTED AT GOVT. MIDDLE SCHOOL KHIRDA SANKUL GOVT. HIGHER SECONCARY SCHOOL DHANOURA

**DISTRICT CHHINDWARA VILLAGE ANDOL
TAHSIL HARRAI (MADHYA PRADESH)**

6. **BHIKHOO YAHAKE S/O SHRI DHABBU YAHAKE,
AGED ABOUT 49 YEARS, OCCUPATION:
PRATHMIK SHIKSHAK POSTED AT GOVT.
PRIMARY SCHOOL KHIRDA SANKUL GOVT.
HIGHER SECONDARY SCHOOL DHANOURA
VILLAGE KHIRDA TAHSIL HARRAI (MADHYA
PRADESH)**

.....PETITIONERS

**(BY SHRI K.C. GHILDIYAL - SENIOR ADVOCATE ASSISTED BY SHRI
ADITYA VEER SINGH - ADVOCATE)**

AND

1. **THE STATE OF MADHYA PRADESH THROUGH ITS
PRINCIPAL SECRETARY SCHOOL EDUCATION
DEPARTMENT MINISTRY VALLABH BHAWAN
BHOPAL M.P. (MADHYA PRADESH)**
2. **PRINCIPAL SECRETARY TRIBAL WELFARE
DEPARTMENT VALLABH BHAWAN BHOPAL
(MADHYA PRADESH)**
3. **PRINCIPAL SECRETARY FINANCE DEPARTMENT
VALLABH BHAWAN BHOPAL (MADHYA PRADESH)**
4. **COMMISSIONER TRIBAL DEVELOPMENT
BHOPAL (MADHYA PRADESH)**
5. **NATIONAL SECURITIES DEPOSITORY LIMITED
THROUGH EXECUTIVE DIRECTOR TRADE
WORLD A-WING 4TH FLOOR KAMLA MILLS
COMPOUNDS LOWER PAREL MUMBAI
(MAHARASHTRA)**
6. **PENSION FUNDS REGULATORY AND
DEVELOPMENT AUTHORITY THROUGH
EXECUTIVE DIRECTOR B-14/A CHATRAPATI
SHIVAJI BHAWAN QUTAB INSTITUTIONAL AREA
KATWARIA SARAL (DELHI)**
7. **ASSISTANT COMMISSIONER JANJATIYA KARYA
VIBHAG DISTRICT CHHINDWARA (MADHYA
PRADESH)**

.....RESPONDENTS

(BY SHRI AMIT MISHRA - PANEL LAWYER)

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

ORDER

These bunch of petitions raises a common issue that petitioners who were initially appointed as Shiksha Karmi/Samvida Shala Shikshak, who were later on absorbed in the cadre of Adhyapak w.e.f. 01.04.2007, have become Government servants with formation of Rajya Shaikshnik Samvarg in the year 2018, which has three tier system of Prathmik Shikshak i.e. Primary Teacher, Madhyamik Shikshak i.e. Middle Teacher and Uchcha Madhyamik Shikshak i.e. Higher Secondary School Teacher.

2. It is submitted that since petitioners have become Government servants, they are entitled to the benefit of the Madhya Pradesh Civil Services (Pension) Rules, 1976, which was applicable to all the employees of the State Government, who were appointed prior to 01.04.2005. It is submitted that since petitioners were appointed prior to 01.04.2005, therefore, on their merger with the State Government, they are entitled to the Old Pension Scheme.

3. Writ Petition No.10444/2020, Tribal Welfare Teachers Association Vs. State of Madhya Pradesh is taken as lead case and all the documents referred to herein, will be the documents from this petition.

4. Shri K.C. Ghildiyal, learned Senior Advocate, submits that Madhya Pradesh Panchayat Shiksha Karmis (Recruitment and Conditions of Service) Rules, 1997, were framed by the State Government in the year 1997. Some of the petitioners were appointed under those Rules and some others under the Samvida Shala Shikshak (Appointment and Conditions of Contract) Rules, 2001.

5. It is submitted that thereafter Madhya Pradesh Panchayat Adhyapak

Samvarg (Employment and Conditions of Services) Rules, 2008, were brought into force as are contained in Annx.P/5, and there was a Scheme that Shiksha Karmi Grade-III, will be absorbed as Sahayak Adhyapak, Shiksha Karmi Grade-II as Adhyapak and Shiksha Karmi Grade-I as Varishth Adhyapak. Analogous provisions were made with regard to the Rules of 2001. Thereafter, in the year 2018, Rajya Shaikshanik Samvarg has been prepared and came in force and now there is a common cadre, namely, Rajya Shaikshanik Samvarg.

6. Petitioner's contention is that after becoming part of Rajya Shaikshanik Samvarg, they are entitled to be treated retrospectively from the date of their initial appointment to be members of the State Civil Service entitling them to the benefits as are admissible to the civil servants under the Madhya Pradesh Civil Services (Pension) Rules of 1976 and to support this submission, reliance is placed on Section 51 of Madhya Pradesh Panchayat Rajya Avam Gram Swaraj Adhiniyam, 1993 (hereinafter referred to as Act of 1993 for short).

7. Reading from Section 51 of the Act of 1993, it is submitted that the State Government has been given authority to entrust to a Janpad Panchayat or Zila Panchayat functions in relation to any matter in which the executive authority of the State Government extends or in respect of functions which have been entrusted to the State government by the Central Government and the Janpad Panchayat or Zila Panchayat shall be bound to perform such functions. It shall have necessary powers to perform such functions.

8. Reading Sub-section (2) of Section 51 of the Act of 1993, it is pointed out that since the functions which are entrusted to a Janpad Panchayat or Zila Panchayat under Sub-section (1), the concerned Zila Panchayat or Janpad Panchayat has to act as an agent of the State Government and they are to be paid by the State Government such sum as may be deemed necessary for

discharging the functions entrusted to it under this Section. Therefore, in view of the provisions contained in sub-section (4) of Section 52 of the Act of 1993, where, there is a provision for general control of the State Government or any other authority appointed by it, it is submitted that *de facto* petitioners have been employees of the State Government and, therefore, they are entitled to count for all the benefits which accrued to a civil servant under the State.

9. In this backdrop, petitioners are challenging the action of the respondents in keeping them under the fold of the NPS managed by National Security Depository Limited, which is a contributory Pension Scheme floated by the State Government for those who have been appointed in the services of the State after 01.04.2005.

10. Reliance is also placed on a judgment of the Coordinate Bench of this High Court Bench at Indore in Writ Petition No.2634/2020, decided on 03.10.2023, where the issue was that whether the employees of Gram Panchayat, Janpad Panchayat and Zila Panchayat are to be treated at par with the State Government employees in respect of date of implementation of recommendations of the 6th Pay Commission and ancillary issue was under which authority, the State Government is competent to fix the date of implementation for the members of Panchayat services.

11. Petitioners' contention is that since these schools were handed over by the Government to the respective Panchayats, they did not lose their original character of the Government institutions.

12. Reading extensively from said judgment of Indore Bench, it is pointed out that a Coordinate Bench of this High Court placing reliance on the judgment of Supreme Court in *State of Gujrat Vs. Ramanlal Keshavlal Soni [(1983) 2*

SCC 33J, held that when personals are drawn from different sources, namely, Government departments, as well as, the local authorities or municipalities merged together to constitute a single integrated civil services under the State by a legislative enactment, would become the State Government employees irrespective of their original status. The question was answered in the affirmative.

13. It is submitted that in this very judgment of *Ramanlal* (supra), it was noted that the Panchayat service in Gujrat constituted under Section 203 of the Gujrat Panchayat Act, 1962, was a civil service of the State and members of the service were Government servants and taking that analogy, Hon'ble Coordinate Bench of this Court at Indore in Writ Petition No.2634/2020, in view of the fact that the State of Madhya Pradesh has control to make rules and regulations for recruitment in Panchayats, and the services provided to the citizens residing within a rural area, the Panchayats are constituted under Article 243-B of the Constitution, therefore, those benefits which the State Government provides to all citizens of Madhya Pradesh to various departments by recruiting employees, the same facility/services have been given by the Panchayat through its employees, held that the employees of Panchayats are also public servants and State Government employees. Thus, it is submitted that though petitioners were initially appointed under the provisions of the Madhya Pradesh Panchayat Shiksha Karmis (Recruitment and Conditions of Service) Rules, 1997, but since initially the State Government run schools were handed over to the Panchayats, the effective and actual control being that of the State Government, they all will be treated to be the State Government servants.

14. Shri Amit Mishra, learned Panel Lawyer for the State in his turn, submits that petitioners are not entitled to any of the relief claimed by them. He admits

that the reply filed in this petition is cryptic and does not answer any of the issues raised by the petitioners directly, but at the same time, he leaves no stone unturned to defend the action of the State on the ground that by no stretch of imagination, employees of Panchayat can be termed to be Government employees and even if, they are merged with the State Government as has been sought to be made out by Shri Ghildiyal, Sr. Advocate, referring to the provisions of some Scheme of 2018, by which Rajya Shaishanik Samvarg has been created, but that being after 01.04.2005, they will be still governed by the NPS and not by the Pension Rules, 1976.

15. After hearing learned counsel for the parties, first issue is that as far as order of the Coordinate Bench passed in Writ Petition No.2634/2020, is concerned, that has been stayed by a Hon'ble Division Bench of this Court vide order dated 04.12.2023 in Writ Appeal No.2182/2023.

16. Secondly, on facts of the case which are narrated and reliance on the judgment of Supreme Court in case of *Ramanlal* (supra), it is evident that those facts are distinguishable from the facts of the present case. In that case, Panchayat service was constituted under Section 203 of the Gujrat Panchayats Act, 1962 as a Civil Service under the State. That being the distinctive factor, because in the present case, the Rules of 1997, categorically provides that in exercise of the powers conferred by Clause (b) of Sub-section (1) of Section 53, Sub-section (1) of Section 70 read with Sub-section (1) of Section 95 of the Madhya Pradesh Panchayat Raj Avam Gram Swaraj Adhiniyam, 1993, the State Government makes the following Rules, namely, Madhya Pradesh Panchayat Shiksha Karmis (Recruitment and Conditions of Service) Rules, 1997.

17. Definition Clause-2, Shiksha Karmi is defined under Section 2(h) to mean

a person appointed by a Zila Panchayat or Janpad Panchayat as the case may be for teaching in the schools under their control. Rule 5, deals with methods of selection and recruitment and Sub-rule (8) of Rule 5 provides that the selection committee shall be constituted consisting of members as specified in Schedule-II by the Zila Panchayat or the Janpad Panchayat as the case may be. Then the procedure has been given in Sub-rule (9) as to how suitability of the candidates will be assessed and marks will be given. These appointments are to be made on probation for a period of three years as is provided under Rule 7.

18. Rule 9 of Rules of 1997, provides that discipline and control will be that of the Zila Panchayat or Janpad Panchayat as the case may be. The General Administration Standing Committee of the Zila Panchayat or Janpad Panchayat as the case may be, shall be the disciplinary authority for major punishment and the Chief Executive Officer of the Panchayat for the minor punishment. Thus, it is evident that nowhere these rules provide for constituting a service under the State Government. A distinct service has been created under the Rules of 1997, which continued in a different form in the name of Panchayat Samvida Shala Shikshak (Appointment and Conditions of Contract) Rules, 2001. Thus, this being the difference and, therefore, the law laid down in case of Ramanlal (supra) has no application to the facts and circumstances of the case.

19. As far as the M.P. Civil Services Pension Rules, 1976, is concerned, Rule 2 provides that these rules shall apply to every Government servant appointed to civil services and post in connection with the affairs of the State of Madhya Pradesh and who are borne on establishment not declared as non-pensionable. Thereafter, it is provided in Rule 2 itself that these rules, shall not apply to :-

- (a) persons in a work-charged establishment;
- (b) persons in casual and daily rated employment;

(c) persons paid from contingencies;

(d) persons entitled to the benefit of Contributory Provident Fund;

(e) persons employed on contract except when the contract provides otherwise; and

(f) persons whose terms and conditions of service are regulated by any other rules for the time being in force.

(g) Government servants appointed on or after 1st January, 2005 to the services and posts in connection with the affairs of the State, either temporarily or permanently.

20. Thus, it is evident that Clause (e) of Rule 2, provides that persons employed on contract except when the contract provides otherwise are not covered under the M.P. Civil Services (Pension) Rules, 1976. Thus, admittedly, when petitioners were appointed on contract under the provisions of Madhya Pradesh Panchayat Shiksha Karmi (Recruitment and conditions of Service) Rules, 1997, and thereafter under the Rules of 2001 meant for Samvida Shala Shikshak, then they are not covered by the Rules of 1976. Even otherwise, if petitioners were to contend that they are covered by the Rules of 1976, then they should have agitated this matter in the year 1997 or soon after their appointment, inasmuch as, Clause (f) of Rule 2, provides that persons whose terms and conditions of service are regulated by any other rules for the time being in force, shall be excluded from the operation of the M.P. Civil Services (Pension) Rules. Thus, admittedly, these Rules of 1976, have no application to the facts and circumstances of the case.

21. Reliance of the Coordinate Bench on the provisions contained in Article 243-B, 243-C etc. is concerned, Article 243-D, defines a Panchayat as an

institution of self Government constituted under Article 243-B for the rural areas.

22. Article 243-B, deals with constitution of Panchayats. It provides; (1) there shall be constituted in every State, Panchayats at the village, intermediate and district levels in accordance with the provisions of this part.

23. Article 243-C deals with composition of Panchayats and provides that subject to provisions of this Part, the Legislature of a State may, by law, make provisions with respect to the composition of Panchayats: provided that the ratio between the population of the territorial area of a Panchayat at any level and the number of seats in such Panchayat to be filled by election shall, so far as practicable, be the same throughout the State.

24. Article 243-G, deals with powers, authority and responsibilities of Panchayats. It provides that subject to the provisions of the Constitution, the Legislature of a State may, by law, endow the Panchayats with such powers and authority as may be necessary to enable them to function as institutions of self-government and such law may contain provisions for the devolution of powers and responsibilities upon Panchayats at the appropriate level, subject to such conditions as may be specified therein, with respect to -

(a) the preparation of plans for economic development and social justice;

(b) the implementation of schemes for economic development and social justice as may be entrusted to them including those in relation to the matters enlisted in the Eleventh Schedule.

25. Thus, a plain reading of Article 243-G, makes it abundantly clear that mere delegation of certain powers and authority to enable them to function as insitutions of self-government will not take away the atonomy of the Panchayat Raj institutions and they will still be autonomous in the matter of preparation of plans for economic development and social justice as may be entrusted to them.

26. Thus, when this autonomy is considered in view of the provisions contained in Article 243-I, which deals with constitution of a Finance Commission to review financial position and Article 243-J, which deals with audit of accounts of Panchayats, leaves no iota of doubt that though some grants or consideration may be rolled out to the Panchayats by the State Government, but their financial autonomy was sought to be kept intact by the framers of the Constitution and in that view, it cannot be said that the Panchayat have subrogated their authority and have merged their identity with the State government. Since their identity is not merged with that of the State Government, their employees cannot seek to get their identity merged with the State Government so to seek the benefit of pension.

27. When all these aspects are examined, then in terms of the provisions contained in Madhya Pradesh Adhyapak Samvarg (Employment and Conditions of Service) Rules, 2008, it is evident that Adhyapak Samvarg has been defined in Clause 2(f), as the person employed or merged by the Zila Panchayat or Janpad Panchayat for teaching in the schools under their control.

28. Similarly, Section 2(g), defines Shiksha Karmi as a person appointed for teaching by the Zila Panchayat or Janpad Panchayat, as the case may be, under the Madhya Pradesh Panchayats Shiksha Karmi (Recruitment and Conditions of Service) Rules, 1997. Similarly, Section 2(h), defines Samvida Shala Shikshak to mean a person employed/appointed by Zila Panchayat or Janpad Panchayat as the case may be, under the Madhya Pradesh Panchayat Samvida Shala Shikshak (Conditions of Employment and Contract) Rules, 2005, for teaching in the schools under their control. These three definitions leave no iota of doubt that Shiksha Karmi or Samvida Shala Shikshak or Adhyapak Samvarg is

a category of persons which were meant for teaching in the schools under the control of Zila Panchayat or Janpad Panchayat. They are not under the control of the State Government and by no stretch of imagination, they can be said to be the civil servants in terms of the definition of Civil Servants given in the Fundamental Rules 2 & 3.

29. Fundamental Rule -2, provides that the Fundamental Rules apply to all Government servants whose pay is debitable to civil estimates in India. In the present case, pay and allowances of a Panchayat Shiksha Karmi or a person belonging to Adhyapak Samvarg or Samvida Shala Shikshak, is not debitable to civil estimates in India or of the State, therefore, they are not amenable to the Fundamental Rules of the State. Therefore, they being not a civil servant, Pension Rules of 1976 will not be applicable to them.

30. In view of such facts, even if, their merger in the year 2018 is taken to be with the State Government as canvassed by Shri Ghildiyal, Sr. Advocate, but for which no material is brought on record, still by virtue of the operation of the provisions contained in clause 2(g) of the M.P. Civil Services (Pension) Rules, 1976 as inserted vide order dated 02.04.2005, even if hypothetically petitioners are treated to be a Government servants, for which there is no material on record, still they will not be governed by the Pension Rules of 1976 and, therefore, their claim for grant of pension under the Rules of 1976, cannot be accepted.

31. Accordingly, petitions fail and are dismissed.

(VIVEK AGARWAL)
JUDGE

