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

BEFORE

HON'BLE SHRI JUSTICE VIVEK AGARWAL

ON THE 4th OF APRIL, 2024

WRIT PETITION No. 9097 of 2022

BETWEEN:-

1. **PAROKSH KUMAR SEN S/O SHRI RAJENDRA KUMAR SEN, AGED ABOUT 36 YEARS, OCCUPATION: EX SERVICEMEN VIDHYA NAGAR UJJAIN AT PRESENT RESIDENT OF BEOHARGAGH JABALPUR (MADHYA PRADESH)**
2. **SANJAY KUMAR S/O SHRI LAKHAN LAL NARVARE, AGED ABOUT 35 YEARS, OCCUPATION: EX SERVICEMEN R/O BARASKAR COLONY BETUL (MADHYA PRADESH)**
3. **VISHANATH PRATAP SINGH S/O SHRI NARENDRA SINGH, AGED ABOUT 38 YEARS, OCCUPATION: EX. SERVICEMEN R/O VILLAGE AND POST KONIYA KALA, TEHSIL TEONTHAR, DISTRICT REWA (MADHYA PRADESH)**
4. **MANOJ KUMAR S/O SHRI , AMAR SINGH THAKUR, AGED ABOUT 45 YEARS, OCCUPATION: EX. SERVICEMEN ARJUN NAGAR DEWAS AT PRESENT RESIDENT OF AYODHYA BY PASS ROAD SAGAR COLONY BHOPAL M.P. (MADHYA PRADESH)**
5. **MURLIDHAR S/O SHRI SALIKRAM, AGED ABOUT 38 YEARS, OCCUPATION: EX SERVICE MEN R/O EKKALABIHARI CHHANDWARA M.P. (MADHYA PRADESH)**
6. **RAJENDRA SINGH RATHORE S/O SHRI PRATAP SINGH RATHORE, AGED ABOUT 39 YEARS, OCCUPATION: EX SERVICEMEN R/O 51 SHREE JII NAGAR MANDSAUR AT PRESENT RESIDENT OF SOUTH CIVIL LINES JABALPUR M.P. (MADHYA PRADESH)**
7. **SHARVAN SINGH S/O SHRI MANGU SINGH, AGED ABOUT 36 YEARS, OCCUPATION: EX SERVICEMEN R/O WARD NO.8 RANIPUR NEEMUCH AT PRESENT**

ANSHAL GREEN KOLAR ROAD BHOPAL M.P.
(MADHYA PRADESH)

8. **JITENDRA SAHU S/O SHRI INDAL SINGH, AGED ABOUT 37 YEARS, OCCUPATION: EX SERVICEMEN R/O SADAR CHAUK SADAR BETUL M.P. (MADHYA PRADESH)**
9. **HARENDRA SINGH RAJPUT S/O SHRI HARENDRA SINGH RAJPUT, AGED ABOUT 37 YEARS, OCCUPATION: EX SERVICEMEN R/O KARAIYA HAWELI VIDISHA AT PRESENT RESIDENT OF GOPALGANJ SAGAR M.P. (MADHYA PRADESH)**
10. **JAIRAM AHIRWAR S/O SHRI RAGHURAJ AHIRWAR, AGED ABOUT 42 YEARS, OCCUPATION: EX SERVICEMEN R/O PALERA TIKAMGARH M.P. (MADHYA PRADESH)**

.....PETITIONERS

(NONE FOR THE PETITIONERS)

AND

1. **THE STATE OF MADHYA PRADESH THROUGH PRINCIPAL SECRETARY GENERAL ADMINISTRATION DEPARTMENT VALLABH BHAWAN BHOPAL (MADHYA PRADESH)**
2. **PRINCIPAL SECRETARY HOME DEPARTMENT MANTRALAYA VALLABH BHAWAN, BHOPAL M.P. (MADHYA PRADESH)**
3. **DIRECTORATE GENERAL OF POLICE HEAD QUARTER BHOPAL M.P. (MADHYA PRADESH)**
4. **PROFESSIONAL EXAMINATION BOARD THROUGH ITS DIRECTOR CHAYAN BHAWAN CHANAY BHAWAN MAIN ROAD NO. 1 CHINAR PARK EAST BHOPAL M.P (MADHYA PRADESH)**
5. **SANCHNALYA SAINIK KALYAN MADHYA PRADESH THROUGH ITS DIRECTOR GURU TEG BAHADUR COMPLEX T.T. NAGAR BHOPAL (MADHYA PRADESH)**

.....RESPONDENTS

(SHRI MANAS MANI VERMA - GOVERNMENT ADVOCATE FOR THE RESPONDENTS-STATE AND SHRI RAHUL DIWAKAR - ADVOCATE WITH SHRI AMAN GUPTA - ADVOCATE FOR THE RESPONDENT-

WRIT PETITION No. 9253 of 2022**BETWEEN:-**

1. **AJEET SINGH S/O RAM PARIHAR, AGED ABOUT 41 YEARS , OCCUPATION: EX-SERVICEMAN/ UNEMPLOYED VILLAGE AND PO PATOURA, TEH. UCHEHRA, DISTRICT- SATNA (MADHYA PRADESH)**
2. **MRIGENDRA SINGH S/O SHRI KUVAR BAHADUR SINGH, AGED ABOUT 37 YEARS, OCCUPATION: EX SERVICEMAN/UNEMPLOYED R/O VILLAGE AND POST OFFICE PATOURA TAHSIL UNCHEHRA DISTRICT SATNA M.P. (MADHYA PRADESH)**
3. **DILIP KUMAR PANDEY S/O RAMPUJARI PANDEY, AGED ABOUT 42 YEARS, OCCUPATION: EX SERVICEMAN/UNEMPLOYED R/O VILLAGE PAGAR (KHURD) POST PAGAR DISTRICT SATNA M.P. (MADHYA PRADESH)**
4. **RAHUL AGRAWAL S/O RAJESH AGRAWAL, AGED ABOUT 40 YEARS, OCCUPATION: EX SERVICEMAN/UNEMPLOYED R/O VILLAGE SHERGANJ POST MEDHWA DISTRICT SATNA M.P. (MADHYA PRADESH)**
5. **ARUN KUMAR SINGH S/O BIRENDRA PRATAP SINGH, AGED ABOUT 36 YEARS, OCCUPATION: EX SERVICEMAN/UNEMPLOYED R/O VILLAGE WARD NO. 22 POST SATNA TEHSIL RAGHURAJ NAGAR DISTRICT SATNA M.P. (MADHYA PRADESH)**
6. **ANUJ SINGH S/O SHIVRAJ SINGH, AGED ABOUT 40 YEARS , OCCUPATION: EX SERVICEMAN/UNEMPLOYED R/O VILLAGE RAHIKWARA POST RAHIKWARA TEHSIL NAGOD DISTRICT SATNA M.P. (MADHYA PRADESH)**
7. **RAKESH KUMAR SHUKLA S/O BABU LAL SHUKLA, AGED ABOUT 44 YEARS, OCCUPATION: EX SERVICEMAN/UNEMPLOYED R/O VILLAGE AND POST KRISHNA NAGAR TEHSIL RAGHURAJ NAGAR DISTRICT SATNA M.P. (MADHYA PRADESH)**
8. **BHANU PRATAP SINGH S/O RAMKISHOR SINGH, AGED ABOUT 40 YEARS, OCCUPATION: EX**

**SERVICEMAN/UNEMPLOYED VILLAGE BATHING
KALAN POST SAGMA DISTRICT SATNA M.P.
(MADHYA PRADESH)**

9. **BARMENDAR SINGH S/O LAXMAN SINGH, AGED ABOUT 41 YEARS, OCCUPATION: EX SERVICEMAN / UNEMPLOYED R/O VILLAGE SHERGANJ POST MEDHWA DISTRICT SATNA M.P. (MADHYA PRADESH)**
10. **NARENDARA GAUTAM S/O BHAGWAT PRASAD GAUTAM, AGED ABOUT 41 YEARS, OCCUPATION: EX SERVICEMAN/UNEMPLOYED VILLAGE NAI BASTI POST SATNA DISTRICT SATNA M.P. (MADHYA PRADESH)**
11. **PRASHANT KUMAR MISHRA S/O RAMLEKHAN MISHRA, AGED ABOUT 31 YEARS, OCCUPATION: EX SERVICEMAN/UNEMPLOYED VILLAGE UNCHEHARA POST UNCHEHARA TEHSIL UNCHEHARA DISTRICT SATNA M.P. (MADHYA PRADESH)**
12. **K.N. TIWARI S/O PRADEEP KUMAR TIWARI, AGED ABOUT 38 YEARS, OCCUPATION: EX SERVICEMAN / UNEMPLOYED VILLAGE ATRA POST ATRA TEHSIL UNCHEHARA DISTRICT SATNA M.P. (MADHYA PRADESH)**
13. **KAMAL KISHOR SHUKLA S/O RAM KISHOR SHUKLA, AGED ABOUT 40 YEARS, OCCUPATION: EX SERVICEMAN/UNEMPLOYED VILLAGE DHANDHI POST GURH TEHSIL GURH DISTRICT REWA M.P. (MADHYA PRADESH)**
14. **RAJESH KUMAR DUBEY S/O LATE ONKAR PRASAD DUBEY, AGED ABOUT 43 YEARS, OCCUPATION: EX SERVICEMAN/UNEMPLOYED VILLAGE GURHWA POST GURH TEHSIL GURH DISTRICT REWA M.P. (MADHYA PRADESH)**
15. **VIKASH SINGH PARIHAR S/O NAGENDRA SINGH PARIHAR, AGED ABOUT 41 YEARS, OCCUPATION: EX SERVICEMAN/UNEMPLOYED VILLAGE BARHADI POST BARHDI TEHSIL GURH DISTRICT REWA M.P. (MADHYA PRADESH)**
16. **RADHEYSHYAM TIWARI S/O BIRJ LAL TIWARI, AGED ABOUT 39 YEARS, OCCUPATION: EX SERVICEMAN/UNEMPLOYED VILLAGE DHUDHAKI POST KANDAILA TEHSIL RAIPUR KARCHULIAN DISTRICT REWA M.P. (MADHYA**

PRADESH)

17. **DILIP KUMAR SINGH S/O RAJ KUMAR SINGH, AGED ABOUT 40 YEARS, OCCUPATION: EX SERVICEMAN/UNEMPLOYED VILLAGE BELAGHAT MARG POST UNCHEHARA DISTRICT SATNA M.P. 485881 (MADHYA PRADESH)**
18. **SUDHANSHU CHAUBEY S/O LALJI CHAUBEY, AGED ABOUT 42 YEARS, OCCUPATION: EX SERVICEMAN/UNEMPLOYED VILLAGE GHAYIYA TOLA POST BAGHA DICTRICT SATNA M.P. 485001 (MADHYA PRADESH)**
19. **UMAKANT PANDEY S/O BALA PRASAD PANDEY, AGED ABOUT 39 YEARS, OCCUPATION: EX SERVICEMAN/UNEMPLOYED VILLAGE SAHA POST BHARJUNA DISTRICT SATNA M.P. 485114 (MADHYA PRADESH)**
20. **DHEERENDRA SINGH S/O RAJMANI SINGH, AGED ABOUT 37 YEARS, OCCUPATION: EX SERVICEMAN/UNEMPLOYED VILLAGE RAM BHAWAN POST JAITWARA TEHSIL KOTI DISTRICT SATNA M.P. (MADHYA PRADESH)**
21. **DINESH SINGH S/O RAJENDRA SINGH, AGED ABOUT 39 YEARS, OCCUPATION: EX SERVICEMAN/UNEMPLOYED VILLAGE TEONDHARI POST TEONDHARI DISTRICT SATNA M.P. 485001 (MADHYA PRADESH)**
22. **RAKESH SINGH S/O RAMLAKHAN SINGH, AGED ABOUT 43 YEARS, OCCUPATION: EX SERVICEMAN/UNEMPLOYED VILLAGE UMRI POST BHARJUNA DISTRICT SATNA M.P. 4854114 (MADHYA PRADESH)**
23. **SHIVKANT TRIPATHI S/O RAMGEET TRIPATHI, AGED ABOUT 38 YEARS, OCCUPATION: EX SERVICEMAN/UNEMPLOYED VILLAGE NEMUYA POST TAPA DISTRICT SATNA M.P. (MADHYA PRADESH)**
24. **RAMESH KUMAR MISHRA S/O BRAJ KISHOR MISHRA, AGED ABOUT 45 YEARS, OCCUPATION: EX SERVICEMAN/UNEMPLOYED VILLAGE TIKURI POST BHARJUNA DISTRICT SATNA M.P. (MADHYA PRADESH)**
25. **SUKHWANT MISHRA S/O SHYAM LAL MISHRA,**

AGED ABOUT 39 YEARS, OCCUPATION: EX
SERVICEMAN/UNEMPLOYED VILLAGE PHOOL
FURMAN SINGH POST BARON DISTRICT REWA
M.P. (MADHYA PRADESH)

26. VINOD KUMAR TIWARI S/O KAMLESH PRASAD
TIWARI, AGED ABOUT 40 YEARS, OCCUPATION:
EX SERVICEMAN/UNEMPLOYED VILLAGE
CHAMRAUHA POST KORALI (KALAN) TEHSIL
SIHAWAL DISTRICT SIDHI M.P. (MADHYA
PRADESH)
27. JAGDISH PRASAD PATEL S/O CHHOTELAL PATEL,
AGED ABOUT 42 YEARS, OCCUPATION: EX
SERVICEMAN/UNEMPLOYED VILLAGE DEORI
(BAGELAN) POST DEORI (SEGRAN) TEHSIL NAI
GRAHI DISTRICT REWA M.P. (MADHYA
PRADESH)
28. ASHVANI KUMAR SHUKLA S/O LATE YAMUNA
PRASAD SHUKLA, AGED ABOUT 37 YEARS,
OCCUPATION: EX SERVICEMAN/UNEMPLOYED
R/O HOUSE NO. 866 LAL MATI SIDH BABA ROAD
JABALPUR M.P. 482001 (MADHYA PRADESH)
29. ALAMGIR S/O LATE MOHD. ANIS KHAN, AGED
ABOUT 35 YEARS, OCCUPATION: EX
SERVICEMAN/UNEMPLOYED R/O HOUSE NO. MIG
39 NEW ANAND NAGAR ADHARTAL JABALPUR
M.P. 482004 (MADHYA PRADESH)
30. DEVENDRA S/O PREM LAL SHARMA, AGED
ABOUT 42 YEARS, OCCUPATION: EX
SERVICEMAN/UNEMPLOYED R/O HOUSE NO.
2519/1 NEAR SHARMA DRUG STORE NEW
KANCHANPUR ADHARTAL JABALPUR M.P. 482004
(MADHYA PRADESH)
31. YOGESH KUMAR S/O OM PRAKASH MAHAVAR,
AGED ABOUT 40 YEARS, OCCUPATION: EX
SERVICEMAN/UNEMPLOYED R/O HOUSE NO.
1899/84 JOGNI NAGAR RAMPUR JABALPUR M.P.
482008 (MADHYA PRADESH)
32. RAM NARAYAN PATEL S/O INDAL PRASAD PATEL,
AGED ABOUT 39 YEARS, OCCUPATION: EX
SERVICEMAN/UNEMPLOYED R/O HOUSE NO. 1138
LALMATI SIDHBABA PATEL MOHALLA
JABALPUR M.P. 482001 (MADHYA PRADESH)
33. NAND KISHORE RAJAK S/O RAMESH PRASAD

**RAJAK, AGED ABOUT 40 YEARS, OCCUPATION: EX
SERVICEMAN/UNEMPLOYED VILLAGE PIPARIYA
NIWAS MANDLA M.P. 481885 (MADHYA PRADESH)**

.....PETITIONERS

(BY SHRI NARINDER PAL SINGH RUPRAH - ADVOCATE)

AND

1. **STATE OF MADHYA PRADESH THROUGH
PRINCIPAL SECRETARY HOME DEPARTMENT
VALLABH BHAWAN BHOPAL (MADHYA PRADESH)**
2. **DIRECTOR GENERAL OF POLICE POLICE
HEADQUARTERS BHOPAL (MADHYA PRADESH)**
3. **PROFESSIONAL EXAMINATION BOARD
THROUGH CHAIRMAN CHAYAN BHAWAN MAIN
ROAD NO. 1 CHINAR PARK (EACT) BHOPAL M.P.
(MADHYA PRADESH)**
4. **PRINCIPAL SECRETARY GENERAL
ADMINISTRATION DEPARTMENT GOVERNMENT
OF MADHYA PRADESH MANTRALAYA BHOPAL
M.P. (MADHYA PRADESH)**

.....RESPONDENTS

***(SHRI MANAS MANI VERMA - GOVERNMENT ADVOCATE FOR THE
RESPONDENTS-STATE AND SHRI RAHUL DIWAKAR - ADVOCATE WITH
SHRI AMAN GUPTA - ADVOCATE FOR THE RESPONDENT-
PROFESSIONAL EXAMINATION BOARD)***

WRIT PETITION No. 9948 of 2022

BETWEEN:-

1. **JOGENDRA SINGH THAKUR S/O SHRI LAL SINGH
THAKUR, AGED ABOUT 38 YEARS, OCCUPATION:
EX SERVICE VILLAGE JAMNIYA POST PHAPUND
TAHSIL MHOW DISTRICT INDORE AT PRESENT
R/O HATITAL JABALPUR (MADHYA PRADESH)**
2. **JEEVAN BIDWAN S/O SHRI DURGA SINGH, AGED
ABOUT 38 YEARS, OCCUPATION: EX SERVICE
VILLAGE DATODA TAHSIL MHOW DISTRICT
INDORE AT PRESENT R/O SHAKTI BHAWAN
ROAD NEAR LODHI BHAWAN JABALPUR M.P.
(MADHYA PRADESH)**

.....PETITIONERS

(NONE FOR THE PETITIONERS)

AND

1. THE STATE OF MADHYA PRADESH THROUGH
PRINCIPAL SECRETARY GENERAL
ADMINISTRATION DEPARTMENT VALLABH
BHAWAN BHOPAL (MADHYA PRADESH)
2. PRINCIPAL SECRETARY HOME DEPARTMENT
MANTRALAYA VALLABH BHAWAN, BHOPAL, M.P.
(MADHYA PRADESH)
3. DIRECTORATE GENERAL OF POLICE
HEADQUARTERS DISTRICT BHOPAL M.P.
(MADHYA PRADESH)
4. PROFESSIONAL EXAMINATION BOARD
THROUGH ITS DIRECTOR CHAYAN BHAWAN
CHAYAN BHAWAN MAIN ROAD NO.1 CHINAR
PARK (EAST) BHOPAL M.P. (MADHYA PRADESH)

.....RESPONDENTS

*(SHRI MANAS MANI VERMA - GOVERNMENT ADVOCATE FOR THE
RESPONDENTS-STATE AND SHRI RAHUL DIWAKAR - ADVOCATE WITH
SHRI AMAN GUPTA - ADVOCATE FOR THE RESPONDENT-
PROFESSIONAL EXAMINATION BOARD)*

WRIT PETITION No. 10833 of 2022

BETWEEN:-

VARDI SOCIAL WELFARE FOUNDATION THROUGH ITS
PRESIDENT MAJOR GENERAL SHYAM SHRIVASTAVA
(RETD.) S/O LATE SHRI V.S. SHRIVASTAVA A SOCIETY
REGISTERED UNDER THE M.P. SOCIETIES
REGISTRARIAN ADHINIYAM, 1973, H.NO. 73, NEAR
RAYMOND SHOWROOM, M.P. NAGAR, ZONE 2, TAHSIL
HUJUR, DISTT. BHOPAL (MADHYA PRADESH)

.....PETITIONER

(BY SHRI NARINDER PAL SINGH RUPRAH - ADVOCATE)

AND

1. THE STATE OF MADHYA PRADESH THROUGH
PRINCIPAL SECRETARY HOME DEPARTMENT
GOVERNMENT OF M.P., MANTRALAYA, VALLABH
BHAWAN, BHOPAL (MADHYA PRADESH)

2. **DIRECTOR GENERAL OF POLICE POLICE HEADQUARTERS BHOPAL (MADHYA PRADESH)**
3. **PROFESSIONAL EXAMINATION BOARD THROUGH CHAIRMAN CHAYAN BHAWAN MAIN ROAD NO. 1 CHINAR PARK (EAST) BHOPAL M.P. (MADHYA PRADESH)**
4. **PRINCIPAL SECRETARY GENERAL ADMINISTRATION DEPARTMENT GOVERNMENT OF MADHYA PRADESH MANTRALAYA BHOPAL M.P. (MADHYA PRADESH)**

.....RESPONDENTS

(SHRI MANAS MANI VERMA - GOVERNMENT ADVOCATE FOR THE RESPONDENTS-STATE AND SHRI RAHUL DIWAKAR - ADVOCATE WITH SHRI AMAN GUPTA - ADVOCATE FOR THE RESPONDENT-PROFESSIONAL EXAMINATION BOARD)

WRIT PETITION No. 26770 of 2022

BETWEEN:-

1. **RAMDUTT TIWARI S/O SHRI INDRA KUMAR TIWARI, AGED ABOUT 40 YEARS, OCCUPATION: EX-SERVICEMEN/UNEMPLOYED R/O VILLAGE DEORI TOLA, POST PIPROUDH TEHSIL AND DISTRICT KATNI M.P. (MADHYA PRADESH)**
2. **ARUN KUMAR GOUTAM S/O SHRI CHANDRA SHEKHAR GOUTAM, AGED ABOUT 40 YEARS, OCCUPATION: EX SERVICEMEN/UNEMPLOYED R/O VILLAGE SURAA TEHSIL SIRMOUR DISTRICT REWA (MADHYA PRADESH)**

.....PETITIONERS

(NONE FOR THE PETITIONERS)

AND

1. **THE STATE OF MADHYA PRADESH THROUGH PRINCIPAL SECRETARY HOME DEPARTMENT MANTRALAYA VALLABH BHAWAN, BHOPAL (M.P.) (MADHYA PRADESH)**
2. **DIRECTOR GENERAL OF POLICE, POLICE HEADQUARTERS BHOPAL (MADHYA PRADESH)**
3. **PROFESSIONAL EXAMINATION BOARD THROUGH CHAIRMAN CHAYAN BHAWAN, MAIN**

ROAD NO. 1, CHINAR PARK (EAST), BHOPAL
(MADHYA PRADESH)

4. PRINCIPAL SECRETARY GENERAL
ADMINISTRATION DEPARTMENT GOVERNMENT
OF MADHYA PRADESH, MADHYA PRADESH,
MANTRALAYA, BHOPAL (MADHYA PRADESH)

....RESPONDENTS

*(SHRI MANAS MANI VERMA - GOVERNMENT ADVOCATE FOR THE
RESPONDENTS-STATE AND SHRI RAHUL DIWAKAR - ADVOCATE WITH
SHRI AMAN GUPTA - ADVOCATE FOR THE RESPONDENT-
PROFESSIONAL EXAMINATION BOARD)*

WRIT PETITION No. 27041 of 2022

BETWEEN:-

1. CHETNA BAGHEL D/O BHOLA SINGH BAGHEL,
AGED ABOUT 24 YEARS, OCCUPATION:
UNEMPLOYED HIG 41 SANJEEVANI NAGAR
BHOPAL (MADHYA PRADESH)
2. PRACHI JAIN D/O SHRI PRAKASH CHAND JAIN,
AGED ABOUT 27 YEARS, OCCUPATION:
UNEMPLOYED R/O H.NO. 834 SUDAMA NAGAR
KALIMATH MANDIR VEER SAVARKAR WARD
MADAN MAHAL JABALPUR (MADHYA PRADESH)
3. JAGRITI SHARMA D/O ASHOK SHARMA, AGED
ABOUT 30 YEARS, OCCUPATION: UNEMPLOYED
R/O HIG-41 SANJEEVANI NAGAR BHOPAL
(MADHYA PRADESH)
4. ANITA YADAV D/O RAMSINGH YADAV, AGED
ABOUT 23 YEARS, OCCUPATION: UNEMPLOYED
R/O CHHATARPUR DISTRICT CHHATARPUR
(MADHYA PRADESH)
5. ANJALI RAJPOOT D/O HARI PRASAD RAJPOOT,
AGED ABOUT 31 YEARS, OCCUPATION:
UNEMPLOYED R/O HIG 41 SANJEEVANI NAGAR
BHOPAL (MADHYA PRADESH)
6. DEEPIKA PATEL D/O MUNNILAL PATEL, AGED
ABOUT 33 YEARS, OCCUPATION: UNEMPLOYED
R/O 582/2 MOHAN VIHAR COLONY SHAHINAKA
GARHA JABALPUR (MADHYA PRADESH)
7. PREETI RAJPUT D/O KAILASH SINGH RAJPUT,

AGED ABOUT 30 YEARS, OCCUPATION:
UNEMPLOYED R/O 208 WARD NO. 3 GOKHAPUR
NAGAR PARISHAD DEORI TAHSIL UDAYPURA
DISTRICT RAISEN (MADHYA PRADESH)

8. SABITRI KUSHWAH D/O GULAB SINGH KUSHWAH, AGED ABOUT 22 YEARS, OCCUPATION: UNEMPLOYED R/O HIG 41 SANJEEVANI NAGAR BHOPAL (MADHYA PRADESH)
9. SHIVANI SHESHA D/O DEENANATH SHESHA, AGED ABOUT 27 YEARS, OCCUPATION: UNEMPLOYED R/O HIG 41 SANJEEVANI NAGAR BHOPAL (MADHYA PRADESH)
10. AASHTA SINGH D/O JAYAMBER SINGH, AGED ABOUT 23 YEARS, OCCUPATION: UNEMPLOYED R/O VILLAGE POST SAKARIYA SATNA DISTRICT SATNA (MADHYA PRADESH)
11. ASTHA MATHUR D/O NUTHAN MATHUR, AGED ABOUT 26 YEARS, OCCUPATION: UNEMPLOYED R/O VILLAGE POST SAKARIYA SATNA DISTRICT SATNA (MADHYA PRADESH)
12. SHRABANI D/O VIPLAV GHOSHAL, AGED ABOUT 22 YEARS, OCCUPATION: UNEMPLOYED R/O HIG-41 SANJEEVANI NAGAR BHOPAL (MADHYA PRADESH)
13. ANJALI CHOUHAN D/O RAVINDRA SINGH CHOUHAN, AGED ABOUT 26 YEARS, OCCUPATION: UNEMPLOYED R/O HIG 41 SANJEEVANI NAGAR BHOPAL (MADHYA PRADESH)
14. PALAK SHARMA D/O VINOD SHARMA, AGED ABOUT 20 YEARS, OCCUPATION: UNEMPLOYED R/O 19-C INDRAPURI GOVINDPURA BHOPAL (MADHYA PRADESH)
15. KHUSHBOO RAGHUWANSHI D/O RAMKUMAR SINGH RAGHUWANSHI, AGED ABOUT 20 YEARS, OCCUPATION: UNEMPLOYED R/O 19-C INDRAPURI GOVINDPURA BHOPAL (MADHYA PRADESH)
16. SHIVANI MISHRA D/O DAYASHANKAR, AGED ABOUT 23 YEARS, OCCUPATION: UNEMPLOYED R/O VILLAGE KADARI TAHSIL CHHATARPUR

DISTRICT CHHATARPUR (MADHYA PRADESH)

17. **POORVI AGRAWAL D/O MANOJ KUMAR, AGED ABOUT 26 YEARS, OCCUPATION: UNEMPLOYED R/O P.NO. 286-27 SHIV NAGAR PHASE-3 CHHOLA HUZUR BHOPAL DISTRICT BHOPAL (MADHYA PRADESH)**
18. **VANSHIKA JOSHI D/O PANNALAL JOSHI, AGED ABOUT 22 YEARS, OCCUPATION: UNEMPLOYED R/O HIG-41 SANJEEVANI NAGAR BHOPAL (MADHYA PRADESH)**
19. **SHRISHTI PANDEY D/O RAMGANESH PANDEY, AGED ABOUT 23 YEARS, OCCUPATION: UNEMPLOYED R/O VILLAGE POST KUWN SATNA DISTRICT SATNA (MADHYA PRADESH)**
20. **ANAMIKA TIWARI D/O RAJENDRA NATH TIWARI, AGED ABOUT 24 YEARS, OCCUPATION: UNEMPLOYED R/O H.N.O 92 NARIYALKHEDA PREMNAGAR BHOPAL DISTRICT BHOPAL (MADHYA PRADESH)**
21. **VANDANA PARDHI D/O MUNNALAL PARDHI, AGED ABOUT 24 YEARS, OCCUPATION: UNEMPLOYED R/O GRAM TENGNIKALA POST GHOTI POLICE STATION AND TEHSIL LALBARRA DISTRICT BALAGHAT (MADHYA PRADESH)**
22. **RAMDEVI KOURAV D/O YASHPAL SINGH, AGED ABOUT 29 YEARS, OCCUPATION: UNEMPLOYED R/O H.NO. 17 SILARI KALAN SATHARI RAISEN DISTRICT RAISEN (MADHYA PRADESH)**
23. **RADHA RAGHUWANSHI D/O RAMNIWAS RAGHUWANSHI, AGED ABOUT 23 YEARS, OCCUPATION: UNEMPLOYED R/O 19-C SECTOR INDRAPURI BHOPAL DISTRICT BHOPAL (MADHYA PRADESH)**
24. **PRATIBHA SHARMA D/O RAMSEVAK DAS SHARMA, AGED ABOUT 33 YEARS, OCCUPATION: UNEMPLOYED R/O HIG 41 SANJEEVANI NAGAR BHOPAL (MADHYA PRADESH)**
25. **KARUNA JIHOTIYA D/O BRAJMOHAN, AGED ABOUT 27 YEARS, R/O SWAROOPNAGAR LALPATHAR GANJBASODA BHOPAL DISTRICT BHOPAL (MADHYA PRADESH)**
26. **RITU RAGHUWANSHI D/O ARJUN SINGH**

RAGHUWANSHI, AGED ABOUT 23 YEARS,
OCCUPATION: UNEMPLOYED R/O HIG-41
SANJEEVANI NAGAR BHOPAL (MADHYA
PRADESH)

27. SHIKHA GAUTAM D/O GAUTAM SINGH GAUTAM,
AGED ABOUT 21 YEARS, OCCUPATION:
UNEMPLOYED R/O GRAM PRAKASH BAMHARI
TAHSIL GAURIHAR CHHATARPUR (MADHYA
PRADESH)
28. SAROJ PAWAR W/O SUNIL PAWAR, AGED ABOUT
29 YEARS, OCCUPATION: UNEMPLOYED R/O
MAHARANA PRATAP COLONY MANDIDEEP
RAISEN DISTRICT RAISEN (MADHYA PRADESH)
29. RAJNI RAJA BUNDELA D/O SHIVPAL SINGH
BUNDELA, AGED ABOUT 29 YEARS, OCCUPATION:
UNEMPLOYED R/O HIG-41 SANJEEVANI NAGAR
BHOPAL (MADHYA PRADESH)
30. KALPANA SHARMA D/O SURENDRA SHARMA,
AGED ABOUT 26 YEARS, OCCUPATION:
UNEMPLOYED R/O HIG 41 SANJEEVANI NAGAR
BHOPAL (MADHYA PRADESH)

.....PETITIONERS

(BY SHRI DINESH SINGH CHAUHAN - ADVOCATE)

AND

1. THE STATE OF MADHYA PRADESH THROUGH ITS
PRINCIPAL SECRETARY HOME DEPARTMENT
MANTRALAYA VALLABH BHAWAN BHOPAL
(MADHYA PRADESH)
2. THE DIRECTOR GENERAL OF POLICE POLICE
HEADQUARTERS JAHANGIRABAD BHOPAL
(MADHYA PRADESH)
3. THE ADDITIONAL DIRECTOR GENERAL OF
POLICE (SELECTION / APPOINTMENT) POLICE
HEADQUARTERS JAHANGIRABAD BHOPAL
(MADHYA PRADESH)
4. THE PROFESSIONAL EXAMINATION BOARD
THROUGH ITS CHAIRMAN CHAYAN BHAWAN
MAIN ROAD NO 1 CHINAR PARK (EAST) BHOPAL
(MADHYA PRADESH)

.....RESPONDENTS

(SHRI MANAS MANI VERMA - GOVERNMENT ADVOCATE FOR THE RESPONDENTS-STATE AND SHRI RAHUL DIWAKAR - ADVOCATE WITH SHRI AMAN GUPTA - ADVOCATE FOR THE RESPONDENT-PROFESSIONAL EXAMINATION BOARD)

WRIT PETITION No. 27794 of 2022

BETWEEN:-

1. **REKHA D/O KESHAR SINGH, AGED ABOUT 20 YEARS, OCCUPATION: UNEMPLOYED HIG-41 SANJIV NAGAR BHOPAL M.P. (MADHYA PRADESH)**
2. **NEHA PATEL D/O RAJENDRA PATEL, AGED ABOUT 27 YEARS, OCCUPATION: UNEMPLOYED R/O PATEL NAGAR, WARD NO. 12, SHAHDOL (MADHYA PRADESH)**
3. **PRACHI CHAUDHARY D/O INDERLAL CHAUDHARY, AGED ABOUT 26 YEARS, OCCUPATION: UNEMPLOYED R/O HIG-41, SANJIV NAGAR BHOPAL (MADHYA PRADESH)**
4. **ARCHNA SHARMA D/O RAKESH SHARMA, AGED ABOUT 26 YEARS, OCCUPATION: UNEMPLOYED R/O M.P. NAGAR, BHOPAL (MADHYA PRADESH)**
5. **JYOTI SHARMA D/O SIDDHARTH SHARMA, AGED ABOUT 24 YEARS, OCCUPATION: UNEMPLOYED R/O HIG-41, SANJIV NAGAR BHOPAL (M.P.) (MADHYA PRADESH)**
6. **ASTHA SHARMA D/O SANJAY SHARMA, AGED ABOUT 26 YEARS, OCCUPATION: UNEMPLOYED R/O HDOUL WARD, GOTEGAON, DISTRICT NARSINGHPUR (MADHYA PRADESH)**
7. **KUMARI YACHANA CHAUDHARY D/O DEVENDRA SINGH, AGED ABOUT 24 YEARS, OCCUPATION: UNEMPLOYED R/O HIG-41, SANJIV NAGAR BHOPAL (M.P.) (MADHYA PRADESH)**
8. **DIKSHA MALVIYA D/O MUKESH MALVIYA, AGED ABOUT 27 YEARS, OCCUPATION: UNEMPLOYED R/O M.P. NAGAR, BHOPAL (MADHYA PRADESH)**
9. **SHIVANI SHRIVASTAVA D/O HARIOM SHRIVASTAVA, AGED ABOUT 25 YEARS, OCCUPATION: UNEMPLOYED R/O HIG-41, SANJIV NAGAR BHOPAL (M.P.) (MADHYA PRADESH)**

10. **ANUSHREE JAIN D/O SUNIL KUMAR JAIN, AGED ABOUT 24 YEARS, OCCUPATION: UNEMPLOYED R/O OPPOSITE JALPA MADIYA, PRASAD GALI, JALPA DEVI WARD, KATNI (MADHYA PRADESH)**
11. **KAJOL BISHWAS D/O RANJEET BISHWAS, AGED ABOUT 29 YEARS, OCCUPATION: UNEMPLOYED R/O SARASWATI NAGAR, NEAR ST. CHARLES HIGHER SECONDARY SCHOOL, RASULIYA, WARD NO 21, MAKANNI 331 (MADHYA PRADESH)**
12. **REENA MANJHI D/O INDRAMANI MANJHI, AGED ABOUT 30 YEARS, OCCUPATION: UNEMPLOYED R/O K-80, POLICE LINE, NEHTU NAGAR (MADHYA PRADESH)**
13. **PRINCI RICHHARIYA D/O UTTAN RICHHARIYA, AGED ABOUT 23 YEARS, OCCUPATION: UNEMPLOYED R/O PRATHVI WARD, DEORI (MADHYA PRADESH)**
14. **DEEPIKA BAGHEL D/O JEEVAN LAL, AGED ABOUT 25 YEARS, OCCUPATION: UNEMPLOYED R/O BANDHOL, DISTRICT SEONI (MADHYA PRADESH)**
15. **DIPIKA SHARMA W/O BHUPENDRA SHARMA, AGED ABOUT 24 YEARS, OCCUPATION: UNEMPLOYED R/O HIG-41, SANJIV NAGAR BHOPAL (M.P.) (MADHYA PRADESH)**
16. **RADHA RAWAT D/O DHARMJEET RAWAT, AGED ABOUT 24 YEARS, OCCUPATION: UNEMPLOYED R/O HIG-41, SANJIV NAGAR BHOPAL (M.P.) (MADHYA PRADESH)**
17. **GEETA PATEL D/O BHARAT LAL PATEL, AGED ABOUT 25 YEARS, OCCUPATION: UNEMPLOYED R/O VILLAGE BARDWAHA, POST JHAMTULI, TEHSIL RAJNAGAR (MADHYA PRADESH)**
18. **RUCHI D/O ARUN, AGED ABOUT 20 YEARS, R/O HIG-41, SANJIV NAGAR BHOPAL (M.P.) (MADHYA PRADESH)**
19. **PRATIKSHA D/O RAMAKANT, AGED ABOUT 21 YEARS, R/O MP NAGAR, BHOPAL (MADHYA PRADESH)**
20. **POONAM PARASHAR D/O PURUSHOTTAM, AGED ABOUT 22 YEARS, R/O HIG-41, SANJIV NAGAR**

BHOPAL (M.P.) (MADHYA PRADESH)

21. **HRISHITA DEVDA D/O PRAVEEN DEVDA, AGED ABOUT 22 YEARS, R/O SANJEEV NAGAR, POLICE COLONY, BHOPAL DISTRICT BHOPAL (MADHYA PRADESH)**
22. **RITU VISHWAKARMA D/O DURGA PRASAD VISHWAKARMA, AGED ABOUT 21 YEARS, R/O NEW COLONY NO 9, NOWGONG, DISTRICT CHHATARPUR (MADHYA PRADESH)**
23. **SHIVANI PANDEY D/O ARVIND PANDEY, AGED ABOUT 22 YEARS, OCCUPATION: UNEMPLOYED R/O HIG-41, SANJIV NAGAR BHOPAL (M.P.) (MADHYA PRADESH)**
24. **SAROJ PAWAR D/O SUNIL PAWAR, AGED ABOUT 29 YEARS, OCCUPATION: UNEMPLOYED R/O HIG-41, SANJIV NAGAR BHOPAL (M.P.) (MADHYA PRADESH)**
25. **ANJALI YADAV D/O RAMVEER SINGH YADAV, AGED ABOUT 21 YEARS, OCCUPATION: UNEMPLOYED R/O C-19, INDRAPUR, GOVINDPURA, BHOPAL (MADHYA PRADESH)**
26. **AKANSHA D/O MALKHAN SINGH, AGED ABOUT 21 YEARS, OCCUPATION: UNEMPLOYED R/O C-19, INDRAPUR, GOVINDPURA, BHOPAL (MADHYA PRADESH)**
27. **ARCHANA RAGHUWANSHI W/O SHUBHAM RAGHUWANSHI, AGED ABOUT 31 YEARS, OCCUPATION: UNEMPLOYED R/O RAJENDRA WARD, IMALIYA ROAD, KARELI (MADHYA PRADESH)**
28. **POOJA SINGH D/O SHIV PRASAD SINGH, AGED ABOUT 29 YEARS, OCCUPATION: UNEMPLOYED /O NEEL SAGAR COLONY, KALKHEDA ROAD, NEEL WARD, BHOPAL (MADHYA PRADESH)**
29. **SONAM GURU S/O RAMKINKAR GURU, AGED ABOUT 24 YEARS, OCCUPATION: UNEMPLOYED R/O S/49., POLICE LINE, GOVINDPURA (MADHYA PRADESH)**
30. **UMA KUNWAR DODIYA D/O PRAJAPAL SINGH, AGED ABOUT 22 YEARS, OCCUPATION: UNEMPLOYED R/O HIG-41, SANJIV NAGAR**

BHOPAL (MADHYA PRADESH)

31. **VANDANA KUNWAR D/O GOVIND SINGH, AGED ABOUT 21 YEARS, OCCUPATION: UNEMPLOYED R/O 19-C SECTOR, INDRAPURI COLONY (MADHYA PRADESH)**
32. **RAKSHA PANDEY D/O SUBHASH PANDEY, AGED ABOUT 21 YEARS, OCCUPATION: UNEMPLOYED R/O KJ TOWER, 3RD FLOOR, JAWAHAR CHOWK, BHOPAL (MADHYA PRADESH)**
33. **SUJATI DHAKAD D/O MAHESH DHAKAD, AGED ABOUT 24 YEARS, OCCUPATION: UNEMPLOYED R/O HIG-41, SANJIV NAGAR BHOPAL (M.P.) (MADHYA PRADESH)**
34. **JAYA PARMAR D/O DHAN SINGH PARMAR, AGED ABOUT 23 YEARS, OCCUPATION: UNEMPLOYED R/O VILLAGE HAKIMABAD, TEHSIL ASHTA (MADHYA PRADESH)**
35. **ASTHA SHARMA D/O SANJAY SHARMA, AGED ABOUT 27 YEARS, OCCUPATION: UNEMPLOYED R/O HIG-41, SANJIV NAGAR BHOPAL (M.P.) (MADHYA PRADESH)**

.....PETITIONERS

(BY SHRI DINESH SINGH CHAUHAN - ADVOCATE)

AND

1. **THE STATE OF MADHYA PRADESH THROUGH ITS PRINCIPAL SECRETARY HOME DEPARTMENT MANTRALAYA VALLABH BHAWAN BHOPAL (M.P.) (MADHYA PRADESH)**
2. **THE DIRECTOR GENERAL OF POLICE, HEAD QUARTER JAHANGIRABAD, BHOPAL (MADHYA PRADESH)**
3. **THE ADDITIONAL DIRECTOR GENERAL OF POLICE (SELECTION/APPOINTMENT), POLICE HEADQUARTERS JAHANGIRABAD, BHOPAL (MADHYA PRADESH)**
4. **THE PROFESSIONAL EXAMINATION BOARD , THROUGH ITS CHAIRMAN CHAYAN BHAWAN, MAIN ROAD NO.1, CHINAR PARK (EAST), BHOPAL (MADHYA PRADESH)**

(SHRI MANAS MANI VERMA - GOVERNMENT ADVOCATE FOR THE RESPONDENTS-STATE AND SHRI RAHUL DIWAKAR - ADVOCATE WITH SHRI AMAN GUPTA - ADVOCATE FOR THE RESPONDENT-PROFESSIONAL EXAMINATION BOARD)

WRIT PETITION No. 27854 of 2022

BETWEEN:-

1. MRIGENDER SINGH (UR) S/O SHRI KUVAR BAHADUR SINGH, AGED ABOUT 37 YEARS, OCCUPATION: EX-SERVICEMAN/UNEMPLOYED R/O VILLAGE AND PO PATOURA, TAHSIL UNCHEHRA DISTRICT SATNA (MADHYA PRADESH)
2. RAHUL AGRAWAL (EWS) S/O RAJESH AGRAWAL, AGED ABOUT 40 YEARS, OCCUPATION: EX SERVICEMAN/UNEMPLOYED R/O VILLAGE SHERGANJ, POST MEDHWA, DISTRICT SATNA (MADHYA PRADESH)
3. DILIP KUMAR PANDEY (UR) S/O RAMPUJARI PANDEY, AGED ABOUT 42 YEARS, OCCUPATION: EX SERVICEMAN/UNEMPLOYED R/O VILLAGE PAGAR (KHURD), POST PAGAR, DISTRICT SATNA (MADHYA PRADESH)
4. AJEET SINGH (UR) S/O RAM SINGH PARIHAR, AGED ABOUT 41 YEARS, OCCUPATION: EX SERVICEMAN/UNEMPLOYED R/O VILLAGE AND PO PATOURA, TAHSIL UNCHEHRA DISTRICT SATNA (MADHYA PRADESH)
5. ANUJ SINGH (UR) S/O SHIVRAJ SINGH, AGED ABOUT 40 YEARS, OCCUPATION: EX SERVICEMAN/UNEMPLOYED R/O VILLAGE RAHIKWARA, POST RAHIKWARA TEHSIL NAGOD, DISTRICT SATNA (MADHYA PRADESH)
6. BARMENDAR SINGH (OBC) S/O LAXMAN SINGH, AGED ABOUT 41 YEARS, OCCUPATION: EX SERVICEMAN/UNEMPLOYED R/O VILLAGE SHERGANJ, POST MAHDEVA, DISTRICT SATNA (MADHYA PRADESH)
7. NARENDRA KUMAR GAUTAM (UR) S/O BHAGWAT PRASAD GAUTAM, AGED ABOUT 41 YEARS, OCCUPATION: EX SERVICEMAN/UNEMPLOYED R/O VILLAGE NAI BASTI, POST SATNA DISTRICT

SATNA (MADHYA PRADESH)

8. **PRASHANT KUMAR MISHRA GAUTAM (UR) S/O RAMLEKHAN MISHRA, AGED ABOUT 31 YEARS, OCCUPATION: EX SERVICEMAN/UNEMPLOYED R/O VILLAGE UNCHEHARA, POST UNCHEHARA, TEHSIL UNCHEHARA, DISTRICT SATNA (MADHYA PRADESH)**
9. **K.N. TIWARI (UR) S/O PRADEEP KUMAR TIWARI, AGED ABOUT 38 YEARS, OCCUPATION: EX SERVICEMAN/UNEMPLOYED R/O VILLAGE ATRA, POST ATRA, TEHSIL UNCHEHARA, DISTRICT SATNA (MADHYA PRADESH)**
10. **KAMAL KISHOR SHUKLA (UR) S/O RAM KISHOR SHUKLA, AGED ABOUT 40 YEARS, OCCUPATION: EX SERVICEMAN/UNEMPLOYED R/O VILLAGE DHANDHI, POST GURH, TEHSIL GURH, DISTRICT REWA (MADHYA PRADESH)**
11. **RAJESH KUMAR DUBEY (UR) S/O LATE ONKAR PRASAD DUBEY, AGED ABOUT 43 YEARS, OCCUPATION: EX SERVICEMAN/UNEMPLOYED R/O VILLAGE GURHWA, POST GURH TEHSIL GURH, DISTRICT REWA (MADHYA PRADESH)**
12. **VIKASH SINGH PARIHAR (UR) S/O NAGENDRA SINGH PARIHAR, AGED ABOUT 41 YEARS, OCCUPATION: EX SERVICEMAN/UNEMPLOYED R/O VILLAGE BARHADI, POST BARHADI, TEHSIL GURH, DISTRICT REWA (MADHYA PRADESH)**
13. **DILIP KUMAR SINGH (UR) S/O RAJ KUMAR SINGH, AGED ABOUT 40 YEARS, OCCUPATION: EX SERVICEMAN/UNEMPLOYED R/O VILLAGE BELAGHAT MARG, POST UNCHEHARA, DISTRICT SATNA (MADHYA PRADESH)**
14. **SUDHANSHU CHAUBEY (UR) S/O LALJI CHAUBEY, AGED ABOUT 42 YEARS, OCCUPATION: EX SERVICEMAN/UNEMPLOYED R/O VILLAGE GHAYIYA TOLA POST BAGHA, DISTRICT SATNA (MADHYA PRADESH)**
15. **UMAKANT PANDEY (UR) S/O BALA PRASAD PANDEY, AGED ABOUT 39 YEARS, OCCUPATION: EX SERVICEMAN/UNEMPLOYED R/O VILLAGE SAHA, POST BHARJUNA, DISTRICT SATNA (MADHYA PRADESH)**

16. **DHEERENDRA SINGH (UR) S/O RAJMANI SINGH, AGED ABOUT 37 YEARS, OCCUPATION: EX SERVICEMAN/UNEMPLOYED R/O VILLAGE RAM BHAWAN, POST JAITWARA TEHSIL KOTI, DISTRICT SATNA (MADHYA PRADESH)**
17. **DINESH SINGH (UR) S/O RAJENDRA SINGH, AGED ABOUT 39 YEARS, OCCUPATION: EX SERVICEMAN/UNEMPLOYED R/O VILLAGE TEONDHARI, POST TEONDHARI, DISTRICT SATNA (MADHYA PRADESH)**
18. **RAKESH SINGH (UR) S/O RAMLAKHAN SINGH, AGED ABOUT 43 YEARS, OCCUPATION: EX SERVICEMAN/UNEMPLOYED R/O VILLAGE UMRI, POST BHARJUNA, DISTRICT SATNA (MADHYA PRADESH)**
19. **SHIVA KANT TRIPATHI (UR) S/O RAM GEETA TRIPATHI, AGED ABOUT 38 YEARS, OCCUPATION: EX SERVICEMAN/UNEMPLOYED R/O VILLAGE NEMUYA, POST TAPA, DISTRICT SATNA (MADHYA PRADESH)**
20. **RAMESH KUMAR MISHRA (UR) S/O BRAJ KISHOR MISHRA, AGED ABOUT 45 YEARS, OCCUPATION: EX SERVICEMAN/UNEMPLOYED R/O VILLAGE TIKURI, POST BHARJUNA, DISTRICT SATNA (MADHYA PRADESH)**
21. **VINOD KUMAR TIWARI (UR) S/O KAMLESHWAR PRASAD TIWARI, AGED ABOUT 40 YEARS, OCCUPATION: EX SERVICEMAN/UNEMPLOYED R/O VILLAGE CHAMRAUHA, POST KORALI (KALAN) TEHSIL SIHAWAL DISTRICT SIDHI (MADHYA PRADESH)**
22. **JAGDISH PRASAD PATEL (OBC) S/O CHHOTELAL PATEL, AGED ABOUT 42 YEARS, OCCUPATION: EX SERVICEMAN/UNEMPLOYED R/O VILLAGE DEORI (BAGELAN), POST DEORI (SEGRAN), TEHSIL NAI GRAHI, DISTRICT REWA (MADHYA PRADESH)**
23. **ASHVANI KUMAR SHUKLA (UR) S/O LATE YAMUNA PRASAD SHUKLA, AGED ABOUT 37 YEARS, OCCUPATION: EX SERVICEMAN/UNEMPLOYED R/O HOUSE NO. 866, LAL MATI SIDH BABA ROAD, JABALPUR (MADHYA PRADESH)**
24. **ALAMGIR (UR) S/O LATE MOHD. ANIS KHAN, AGED ABOUT 35 YEARS, OCCUPATION: EX**

SERVICEMAN/UNEMPLOYED R/O HOUSE NO. MIG 39, NEW ANAND NAGAR, ADHARTAL, JABALPUR (MADHYA PRADESH)

25. **DEVENDRA (UR) S/O PREM LAL SHARMA, AGED ABOUT 42 YEARS, OCCUPATION: EX SERVICEMAN/UNEMPLOYED R/O HOUSE NO. 2519/1, NEAR SHARMA DRUG STORE, NEW KANCHANPUR, ADHARTAL, JABALPUR (MADHYA PRADESH)**
26. **YOGESH KUMAR MAHAWAR (UR) S/O OM PRAKASH MAHAWAR, AGED ABOUT 40 YEARS, OCCUPATION: EX SERVICEMAN/UNEMPLOYED R/O HOUSE NO. 1899/84 JOGNI NAGAR, RAMPUR, JABALPUR (MADHYA PRADESH)**
27. **RAM NARAYAN PATEL (OBC) S/O INDAL PRASAD PATEL, AGED ABOUT 39 YEARS, OCCUPATION: EX SERVICEMAN/UNEMPLOYED R/O HOUSE NO. 1138, LALMATI SIDHBABA, PATEL MOHALLA, JABALPUR (MADHYA PRADESH)**
28. **NAND KISHORE RAJAK (OBC) S/O RAMESH PRASAD RAJAK, AGED ABOUT 40 YEARS, OCCUPATION: EX SERVICEMAN/UNEMPLOYED R/O VILLAGE PIPARIYA, NIWAS MANDLA (MADHYA PRADESH)**

.....PETITIONER

(BY SHRI NARINDER PAL SINGH RUPRAH - ADVOCATE)

AND

1. **THE STATE OF MADHYA PRADESH THROUGH PRINCIPAL SECRETARY HOME DEPARTMENT MANTRALAYA, VALLABH BHAWAN BHOPAL (MADHYA PRADESH)**
2. **DIRECTOR GENERAL OF POLICE, POLICE HEADQUARTER BHOPAL (MADHYA PRADESH)**
3. **M.P. KARMCHARI CHAYAN MANDAL, (PREVIOUSLY CALLED PROFESSIONAL EXAMINATION BOARD) THROUGH CHAIRMAN CHAYAN BHAWAN, MAIN ROAD NO.1, CHINAR PARK (EAST), BHOPAL (MADHYA PRADESH)**
4. **PRINCIPAL SECRETARY GENERAL ADMINISTRATION DEPARTMENT, GOVERNMENT OF MADHYA PRADESH MANTRALAYA, BHOPAL (MADHYA PRADESH)**

.....RESPONDENTS

(SHRI MANAS MANI VERMA - GOVERNMENT ADVOCATE FOR THE RESPONDENTS-STATE AND SHRI RAHUL DIWAKAR - ADVOCATE WITH SHRI AMAN GUPTA - ADVOCATE FOR THE RESPONDENT-PROFESSIONAL EXAMINATION BOARD)

WRIT PETITION No. 28161 of 2022

BETWEEN:-

SHIVANI SINGH D/O SHRI SANTOSH KUMAR SINGH,
AGED ABOUT 24 YEARS, OCCUPATION: UNEMPLOYED
VILLAGE BADOKHAR POST BELVA BADGAIYAN P.S.
GARH DISTRICT REWA (MADHYA PRADESH)

.....PETITIONER

(NONE FOR THE PETITIONER)

AND

1. THE STATE OF MADHYA PRADESH THROUGH ITS PRINCIPAL SECRETARY DEPARTMENT OF HOME MANTRALAYA VALLABH BHAWAN BHOPAL (M.P.) (MADHYA PRADESH)
2. THE DIRECTOR GENERAL OF POLICE HEAD QUARTER JAHANGIRABAD DISTRICT BHOPAL (MADHYA PRADESH)
3. THE ADDITIONAL DIRECTOR GENERAL OF POLICE (SELECTION/APPOINTMENT) POLICE HEAD QUARTERS JAHANGIRABAD, DISTRICT BHOPAL (MADHYA PRADESH)
4. THE PROFESSIONAL EXAMINATION BOARD THROUGH ITS CHAIRMAN CHAYAN BHAWAN MAIN ROAD CHINAR PARK EAST BHOPAL (MADHYA PRADESH)

.....RESPONDENTS

(SHRI MANAS MANI VERMA - GOVERNMENT ADVOCATE FOR THE RESPONDENTS-STATE AND SHRI RAHUL DIWAKAR - ADVOCATE WITH SHRI AMAN GUPTA - ADVOCATE FOR THE RESPONDENT-PROFESSIONAL EXAMINATION BOARD)

WRIT PETITION No. 28772 of 2022

BETWEEN:-

1. **NEHA PARVEEN D/O QUAMRUDDIN, AGED ABOUT 28 YEARS, OCCUPATION: UNEMPLOYED H.NO. 59 BEHIND BHARAT PETROL PUMP PUSHNAGAR ROAD KAMMU KA BAGH DISTRICT BHOPAL (MADHYA PRADESH)**
2. **SANGEETA RAJAWAT D/O DILIP SINGH RAJAWAT, AGED ABOUT 34 YEARS, OCCUPATION: UNEMPLOYED R/O HIG 41, SANJEEV NAGAR, POLICE COLONY, BHOPAL DISTRICT BHOPAL (MADHYA PRADESH)**
3. **NENCY BHADORIYA D/O SHRI PRATIPAL SINGH BHADORIYA, AGED ABOUT 24 YEARS, OCCUPATION: UNEMPLOYED R/O 19 C, SECTOR, INDRAPURI, BHOPAL DISTRICT BHOPAL (MADHYA PRADESH)**
4. **RITU BAGHEL D/O MR. DEEWAN SINGH BAGHEL, AGED ABOUT 22 YEARS, OCCUPATION: UNEMPLOYED R/O WARD NO. 12, MUKHARJI NAGAR, RAISEN DISTRICT BHOPAL (MADHYA PRADESH)**
5. **RAJNI DHAKAD D/O SHRI RAJARAM DHAKAD, AGED ABOUT 22 YEARS, OCCUPATION: UNEMPLOYED R/O HIG 41, SANJEEV NAGAR, BHOPAL DISTRICT BHOPAL (MADHYA PRADESH)**
6. **SHALINI GOYAL D/O SHRI DINESH GOYAL, AGED ABOUT 25 YEARS, OCCUPATION: UNEMPLOYED R/O HIG 41, SANJEEV NAGAR, BHOPAL DISTRICT BHOPAL (MADHYA PRADESH)**
7. **UMA SOLANKI D/O SHRI SHISHUPAL SINGH SOLANKI, AGED ABOUT 20 YEARS, OCCUPATION: UNEMPLOYED R/O HIG 41, SANJEEV NAGAR, BHOPAL DISTRICT BHOPAL (MADHYA PRADESH)**
8. **NENSI RAJPUT D/O SHRI VISHWANATH RAJPUT, AGED ABOUT 22 YEARS, OCCUPATION: UNEMPLOYED R/O HIG 41, SANJEEV NAGAR, BHOPAL DISTRICT BHOPAL (MADHYA PRADESH)**

.....PETITIONERS

(BY SHRI DINESH SINGH CHAUHAN - ADVOCATE)

AND

1. THE STATE OF MADHYA PRADESH THROUGH ITS PRINCIPAL SECRETARY HOME DEPARTMENT MANTRALAYA VALLABH BHAWAN BHOPAL (MADHYA PRADESH)
2. THE DIRECTOR GENERAL OF POLICE, POLICE HEADQUARTERS JAHANGIRABAD HEADQUARTER, JAHANGIRABAD BHOPAL (MADHYA PRADESH)
3. THE ADDITIONAL DIRECTOR GENERAL OF POLICE (SELECTION / APPOINTMENT) POLICE HEADQUARTER, JAHANGIRABAD BHOPAL (MADHYA PRADESH)
4. THE PROFESSIONAL EXAMINATION BOARD THROUGH ITS CHAIRMAN CHAYAN BHAWAN, MAIN ROAD NO.1, CHINAR PARK (EAST), BHOPAL (MADHYA PRADESH)

.....RESPONDENTS

(SHRI MANAS MANI VERMA - GOVERNMENT ADVOCATE FOR THE RESPONDENTS-STATE AND SHRI RAHUL DIWAKAR - ADVOCATE WITH SHRI AMAN GUPTA - ADVOCATE FOR THE RESPONDENT-PROFESSIONAL EXAMINATION BOARD)

These petitions coming on for hearing this day, the court passed the following:

ORDER

This bunch of petitions are filed by two-set of petitioners challenging the Police Constable Recruitment Test, 2020, alleging that while making such recruitment, horizontal compartment wise reservation policy has not been implemented for the Ex-servicemen and similarly, in another set of petitions, it is alleged that posts which were meant for women constables for which advertisement was issued, at least five times of the women candidates should have been called for the second round of selection but, in place of calling five times the number of posts reserved for women under each of the categories meant for vertical reservation, a common list of selection was issued causing unequal treatment to the women candidates.

2. Shri Narinder Pal Singh Ruprah and Shri Dinesh Singh Chauhan, learned counsel for the petitioners have placed reliance on the judgment of the Hon'ble Supreme Court in **Cdr Amit Kumar Sharma Vs. Union of India and others, 2022 SCC Online SC 1570**, to point out that respondents have not disclosed the cut-off marks under each of the categories and the non-disclosure of relevant material to the affected party and its disclosure in a sealed-cover to the adjudicating authority, sets a dangerous precedent. The disclosure of relevant material to the adjudicating authority in a sealed cover makes the process of adjudication vague and opaque. The disclosure in a sealed cover perpetuates two problems. Firstly, it denies the aggrieved party their legal right to effectively challenge an order since the adjudication of issues has proceeded on the basis of unshared material provided in a sealed cover. The adjudicating authority while relying on material furnished in the sealed cover arrives at a finding which is then effectively placed beyond the reach of challenge. Secondly, it perpetuates a culture of opaqueness and secrecy.

3. Reliance is placed on the provisions contained in Madhya Pradesh Ex-servicemen (Reservation of Vacancies in the State Civil Services and Posts Class III and Class IV) Rules, 1985 (for brevity, "Rules of 1985") to submit that that sub-rule (3) of Rule 4, which deals with the reservation of vacancies provides as under:-

"4(3) No vacancy reserved for Ex-servicemen in a post to be filled otherwise than on the results of an open competition examination, shall be filled by the appointing authority by any general candidate, until and unless said authority-

- (i) has obtained a "Non-availability Certificate" from the Employment Exchange (Where a requisition is placed on an Employment Exchange);
- (ii) has verified the non-availability of a suitable candidate by

reference to the Director General, Resettlement and recorded a certificate to that effect; and

(iii) has obtained approval of the State Government."

4. Therefore, it is submitted that the posts which were meant for Ex-servicemen could not have been diverted to the General category candidates or the candidates of different categories where the horizontal reservation for Ex-servicemen is provided.

5. Reliance is also placed on the judgment of Hon'ble Supreme Court in **Security Association of India and another Vs. Union of India and others, (2014) 12 SCC 65** and reading first two lines of para 51 of the said judgment, it is submitted that Hon'ble Supreme Court has held that "It is evident from the above that the subject-matters of the two acts are substantially different and the conflict in the operation of the two Acts is incidental."

6. Thus, it is pointed out that even if reservation in promotion or the scheme of recruitment provides for not carrying forward the post meant for women candidates or for Ex-servicemen but, in case of Ex-servicemen in view of the provisions contained in sub-rule (3) of Rule 4 of the Rules of 1985, there could not have been any denial of carry forward of the vacancies meant for Ex-servicemen and they should have been left vacant to be filled from amongst Ex-servicemen only.

7. It is further submitted that if sufficient number of candidates were not available either belonging to the women category or Ex-servicemen category on the basis of general standard to fill all the vacancies reserved for them then, relaxed standard of selection should have been adopted to make up the deficiency in the reserved quota subject to the condition that such relaxation will

not affect the level of performance by such candidates.

8. It is submitted that advertisement was issued on 08.01.2021 for selection. 10% percent posts were reserved for Ex-servicemen as a special reservation to be applied horizontally and 33% were reserved for women candidates. All the petitioners appeared in the recruitment test. They did not find their names in the selection list. They noticed that no relaxation was given in the matter of cut-off marks for the Ex-servicemen and similarly, no relaxation was given for women candidates and arbitrarily and illegally those posts were sought to be filled through non-women and non-Ex-servicemen candidates, violating the spirit of horizontal and compartment wise reservation.

9. Reliance is placed on the judgment of Hon'ble Supreme Court in **Kishoribhai Khamanchand Goyal Vs. The State of Gujarat and another, (2003) 12 SCC 274**, reading para 8 and 9 Shri Ruprah submits that once there is a statutory provision in the form and shape of 1985 Rules then, that could not have been violated, inasmuch as, there is no doctrine of implied repeal.

10. It is submitted that Hon'ble Supreme court in **Kishoribhai Khamanchand Goyal** (supra) in para 8 has held as under:-

"8. The doctrine of implied repeal is based on the theory that the legislature, which is presumed to know the existing law, did not intend to create any confusion by retaining conflicting provisions and, therefore, when the court applies the doctrine it does no more than give effect to the intention of the legislature by examining the scope and the object of the two enactments and by a comparison of their provisions."

11. In para 9, it is held that "The determinative test as noted above is whether the enactments are sharply conflicting or are inconsistent and/or repugnant."

12. Thus, it is submitted that the Rules framed by the State Government or the Employees Selection Board will not overrule the statutory provisions, especially in case of Ex-servicemen and, therefore, the petition deserves to be allowed and it be directed that the posts which are reserved for Ex-servicemen, be filled from amongst Ex-servicemen only.

13. Reliance is also placed on the judgment of Hon'ble Supreme Court in **Saurav Yadav and others Vs. State of Uttar Pradesh and others, (2021) 4 SCC 542**, wherein Hon'ble Supreme Court after recording salient features of vertical reservation, has held as under:-

(1) They cannot be filled by the open category, or categories of candidates other than those specified and have to be filled by candidates of the social category concerned only (SC/ST/OBC).

(2) Mobility ("migration") from the reserved (specified category) to the unreserved (open category) slot is possible, based on meritorious performance.

(3) In case of migration from reserved to open category, the vacancy in the reserved category should be filled by another person from the same specified category, lower in rank.

(4) If the vacancies cannot be filled by the specified categories due to shortfall of candidates, the vacancies are to be "carried forward" or dealt with appropriately by rules.

14. It is submitted that the posts which were meant for women and Ex-servicemen could not have been filled and no migration should have been permitted.

15. Shri Rahul Diwakar, learned counsel for the respondent-Employees Selection Board, in his turn, submits that the petitions are misconceived. It is submitted that examinations were conducted strictly in terms of the description which was forwarded by the Police Headquarters and no variation has been

made in the said format.

16. It is further submitted that Clause 1.15.2 of the Brochure issued in this behalf, categorically provides that candidates will be entitled to apply only for one Group of posts, out of the 14 Groups. In the second round, on the basis of the performance in the written examination from every Group and for each caste Group, candidates will be called in the ratio of five times the number of vacancies in the said Group/caste sub-Group. Thus, it is submitted that candidates were to be called for under each category of vertical reservation in the ratio of 1:5 of number of vacancies and not in relation to the horizontal reservation.

17. It is further submitted that once a list of five times the number of candidates of SC/ST/OBC and others is prepared then, horizontal reservation was to be effected and only those women and Ex- servicemen candidates will be entitled to such horizontal reservation, who will secure cut-off marks more than the last selected candidate in their vertical category. Thus, it is evident that petitioners having failed to make a mark in their vertical category and having failed to secure marks more than the last selected candidate in each of their vertical categories, are not entitled to stake their claim merely on the basis of horizontal reservation.

18. Shri Manas Mani Verma, learned Government Advocate for the respondents-State also supports the stand of the Professional Examination Board and submits that the judgment of this Court in case of **Aditi Tiwari and others Vs. The State of Madhya Pradesh and others, (W.P. No.8757 of 2022, decided on 26th April, 2022)**, will be applicable in full force. Candidates were to be called in the ratio of five times the number of posts and then, reservation is to be applied and candidates are not required to be called in

the ratio of number of posts meant for horizontal reservation.

19. Reliance is also placed on a decision of a coordinate Bench at the Allahabad High Court in **Bhuvnesh Pachouri Vs. State of Uttar Pradesh and others, (Writ Appeal No.2736 of 2016, decided on 27.11.2016)** enclosed as Annexure R-2, wherein Hon'ble Allahabad High Court has held that argument of the petitioner that after he failed to secure the cut-off marks, since the post of horizontal category to which he belongs were lying unfilled, therefore, by lowering the cut-off marks, he should have been called for interview, was rejected on the ground that once the petitioner submitted himself to the procedure of selection and became unsuccessful, he cannot turn around and protest against the terms of process of selection. The theory of approbate and reprobate estoppes him from doing so.

20. After hearing learned counsel for the parties and going through the record, two issues emerge, namely, whether candidates are to be called for the second round of selection on the basis of number of seats reserved for each of the categories under the horizontal reservation in the same ratio which is applicable to vertical reservation or not? Secondly, whether the provisions of the Madhya Pradesh Ex-servicemen (Reservation of Vacancies in the State Civil Services and Posts Class III and Class IV) Rules, 1985, will deemed to be illegally repealed by virtue of the information brochure issued by the Employees Selection Board while publishing the Rules for conduct of the examination?

21. As far as first question is concerned, in **Union of India and others Vs. M. Selvakumar and another, (2017) 3 SCC 504**, the Hon'ble Supreme Court did not accept the contention of the physically handicapped candidates and refused to increase the number of attempts for physically handicapped

candidates belonging to OBC category in civil service examination on account of their horizontal reservation.

22. In case of **Andhra Pradesh Public Service Commission Vs. Balaji Badhavath and others, (2009) 5 SCC 1**, the question had arisen before the Hon'ble Supreme Court as to whether shortlisting of candidates for main examination of Group-I services in the State of Andhra Pradesh in ratio of 1 : 50 to total number of vacancies basing on preliminary examination, and non-fixation of community wise cut-off marks infringed the right to reservation of candidates belonging to the reserved communities?

23. The Hon'ble Supreme Court answered the aforesaid in the following terms:-

"18. The Constitution of India lays down provisions both for protective discrimination as also affirmative action. Reservation of posts for the disadvantaged class of people as also seats in educational institutions are provided for by reason of Articles 15 and 16 of the Constitution of India. Reservation made for the members of the Scheduled Castes, Scheduled Tribes and Other Backward Classes would, however, be subject to Article 335 of the Constitution of India. Concededly, no citizen of India can claim reservation as a matter of right. The provisions contained in Articles 15 and 16 of the Constitution of India are merely enabling provisions. No writ of or in the nature of mandamus, thus, could be issued."

Thus, it is evident that reservation cannot be sought as a matter of right.

24. As far as the judgment of Hon'ble Supreme Court in **Saurav Yadav** (supra) is concerned, while discussing the features of vertical reservation in para 59, Hon'ble Supreme Court has held as under :-

"60. Horizontal reservations on the other hand, by their nature, are not inviolate pools or carved in stone. They are premised on their overlaps and are "interlocking" reservations. As a sequel, they are to be calculated concurrently and along with the inviolate "vertical" (or "social") reservation quotas, by application of the various steps

laid out with clarity in para 21.3 of Lalit, J's judgment. They cannot be carried forward. The first rule that applies to filling horizontal reservation quotas is one of adjustment i.e. examining whether on merit any of the horizontal categories are adjusted in the merit list in the open category, and then, in the quota for such horizontal category within the particular specified/social reservation."

25. Para 21.3 of the decision of Hon'ble Supreme Court in **Saurav Yadav** (supra), reads as under:-

"21.3. In **Anil Kumar Gupta v. State of U.P., (1995) 5 SCC 173**, a Bench of two Judges of this Court explained the concept of overall reservation as against compartmentalised reservation and detailed the steps to be undertaken while filling up seats for vertical and horizontal reservation as under:

"15. On a careful consideration of the revised notification of 17-12-1994 and the aforementioned corrigendum issued by the Lucknow University, we are of the opinion that in view of the ambiguous language employed therein, it is not possible to give a definite answer to the question whether the horizontal reservations are overall reservations or compartmentalised reservations. We may explain these two expressions. Where the seats reserved for horizontal reservations are proportionately divided among the vertical (social) reservations and are not intertransferable, it would be a case of compartmentalised reservations. We may illustrate what we say: take this very case; out of the total 746 seats, 112 seats (representing fifteen per cent) should be filled by special reservation candidates; at the same time, the social reservation in favour of Other Backward Classes is 27% which means 201 seats for OBCs; if the 112 special reservation seats are also divided proportionately as between OC, OBC, SC and ST, 30 seats would be allocated to the OBC category; in other words, thirty special category students can be accommodated in the OBC category; but say only ten special reservation candidates belonging to OBC are available, then these ten candidates will, of course, be allocated among OBC quota but the remaining twenty seats cannot be transferred to OC category (they will be available for OBC candidates only) or for that matter, to any other category; this would be so

whether requisite number of special reservation candidates (56 out of 373) are available in OC category or not; the special reservation would be a watertight compartment in each of the vertical reservation classes (OC, OBC, SC and ST). As against this, what happens in the overall reservation is that while allocating the special reservation students to their respective social reservation category, the overall reservation in favour of special reservation categories has yet to be honoured. This means that in the above illustration, the twenty remaining seats would be transferred to OC category which means that the number of special reservation candidates in OC category would be $56 + 20 = 76$. Further, if no special reservation candidate belonging to SC and ST is available then the proportionate number of seats meant for special reservation candidates in SC and ST also get transferred to OC category. The result would be that 102 special reservation candidates have to be accommodated in the OC category to complete their quota of 112. The converse may also happen, which will prejudice the candidates in the reserved categories. It is, of course, obvious that the inter se quota between OC, OBC, SC and ST will not be altered.

16. Now coming to the revised notification of 17-12-1994, it says that 'horizontal reservation be granted in all medical colleges on total seats of all the courses ...'. These words are being interpreted in two different ways by the parties; one says it is overall reservation while the other says it is compartmentalised. Para 2 says that the candidates selected under the aforesaid special categories 'would be kept under the categories of Scheduled Castes/Scheduled Tribes/Other Backward Classes/General to which they belong. For example, if a candidate dependent on a freedom fighter selected on the basis of reservation belongs to a Scheduled Caste, he will be adjusted against the seat reserved for Scheduled Castes'. This is sought to be read by the petitioners as affirming that it is a case of compartmentalised reservation. May be or may not be. It appears that while issuing the said notification, the Government was not conscious of the distinction between overall horizontal reservation and compartmentalised horizontal reservation. At any rate, it may not have had in its contemplation the situation like the one which has arisen now. This is probably the reason that this aspect has not been stated in clear terms.

17. It would have been better - and the respondents may note this for their future guidance - that while providing horizontal reservations, they should specify whether the horizontal reservation is a compartmental one or an overall one. As a matter of fact, it may not be totally correct to presume that the Uttar Pradesh Government was not aware of this distinction between "overall horizontal reservation" and "compartmentalised horizontal reservation", since it appears from the judgment in **Swati Gupta Vs. State of U.P., (1995) 2 SCC 560** that in the first notification issued by the Government of Uttar Pradesh on 17-5-1994, the thirty per cent reservation for ladies was split up into each of the other reservations. For example, it was stated against backward classes that the percentage of reservation in their favour was twenty-seven per cent but at the same time it was stated that thirty per cent of those seats were reserved for ladies. Against every vertical reservation, a similar provision was made, which meant that the said horizontal reservation in favour of ladies was to be a "compartmentalised horizontal reservation". We are of the opinion that in the interest of avoiding any complications and intractable problems, it would be better that in future the horizontal reservations are compartmentalised in the sense explained above. In other words, the notification inviting applications should itself state not only the percentage of horizontal reservation(s) but should also specify the number of seats reserved for them in each of the social reservation categories viz. ST, SC, OBC and OC. If this is not done there is always a possibility of one or the other vertical reservation category suffering prejudice as has happened in this case. As pointed out hereinabove, 110 seats out of 112 seats meant for special reservations have been taken away from the OC category alone - and none from the OBC or for that matter, from SC or ST. It can well happen the other way also in a given year.

18. Now, coming to the correctness of the procedure prescribed by the revised notification for filling up the seats, it was wrong to direct the fifteen per cent special reservation seats to be filled up first and then take up the OC (merit) quota (followed by filling of OBC, SC and ST quotas). The proper and correct course is to first fill up the OC quota (50%) on the basis of merit; then fill up each of the social reservation quotas i.e. SC, ST and BC; the third step would be to find out how many candidates

belonging to special reservations have been selected on the above basis. If the quota fixed for horizontal reservations is already satisfied - in case it is an overall horizontal reservation - no further question arises. But if it is not so satisfied, the requisite number of special reservation candidates shall have to be taken and adjusted/accommodated against their respective social reservation categories by deleting the corresponding number of candidates therefrom. (If, however, it is a case of compartmentalised horizontal reservation, then the process of verification and adjustment/accommodation as stated above should be applied separately to each of the vertical reservations. In such a case, the reservation of fifteen per cent in favour of special categories, overall, may be satisfied or may not be satisfied.) Because the revised notification provided for a different method of filling the seats, it has contributed partly to the unfortunate situation where the entire special reservation quota has been allocated and adjusted almost exclusively against the OC quota."

Thus, it is evident that the post meant for horizontal reservation cannot be carried forward.

26. As far as issue raised by Shri N.S. Ruprah in regard to Rule 4 of the Rules of 1985 is concerned, the language of the Rules is unambiguous. It says that no vacancy reserved for Ex- servicemen in a post to be filled otherwise than on the results of an open competitive examination, shall be filled by the appointing authority by any general candidate, until and unless the said authority does three things which are provided in sub-rule (3) of Rule 4.

27. Thus, it is evident that this Rule has no application for filling up of vacancy on the basis of an open competitive examination and thus, neither the question of implied repeal will be applicable nor that of conflict in the operation of the two statutes. Thus, law laid down in case of **Kishoribhai Khamanchand Goyal** (supra) and **Security Association of India** (supra) will have no application to the facts and circumstances of the case.

28. Thus, when the scheme of the examination is crystal clear that candidates in the ratio of five times the number of posts are to be called for, in terms of each of the vertical compartment and then, from amongst those horizontal reservation posts are to be filled, merit could not have been diluted by either diluting the benchmark requirement or extending the list so to accommodate five times the candidates from each of the horizontal category Group. Thus, the first issue is answered in Negative. It is held that candidates are required to be called for in a prescribed ratio only in terms of the vertical categories and not in terms of horizontal reservation categories.

29. As far as second issue is concerned, there is neither any implied repeal nor any conflict in the scheme of examination floated by the Employees Selection Board and the Rules of 1985. Since there is a provision in the Rules itself and also the ratio of law in case of **Saurav Yadav** (supra) in para 60 it is crystal clear that there cannot be any carry forward of post meant for horizontal reservation, on the basis of the undertaking furnished by Shri Rahul Diwakar that none of the candidates who have been recommended for appointment, had secured lesser marks than the petitioners in the first round of examination, posts meant for Ex-servicemen or women under the horizontal reservation, cannot be subjected to carry forward merely because sufficient number of women/Ex-servicemen candidates did not qualify under the scheme of calling five times the number of candidates for which posts were advertised in each group under vertical reservation categories.

30. Thus, petitions fail and are hereby dismissed

(VIVEK AGARWAL)
JUDGE

