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WA-1203-2024

IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE SURESH KUMAR KAIT,
CHIEF JUSTICE

&

HON'BLE SHRI JUSTICE VIVEK JAIN

ON THE 26th OF MARCH, 2025

WRIT APPEAL No. 1203 of 2024

RAJ KISHORE SHARMA

Versus

M.P. POWER GENERATING CO. LTD. AND OTHERS

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Appearance:

Shri Rajneesh Gupta, Advocate for appellant.

Shri Anoop Nair, Senior Advocate with Shri Mihir Linawat, Advocate
for respondents.
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ORDER

Per. Hon'ble Shri Justice Suresh Kumar Kait, Chief Justice

The instant appeal has been filed being aggrieved by order dated 19.12.2023 passed in W.P. No. 18967 of 2020 as well as order dated 24.04.2024 passed in the I.A. No. 927 of 2024 by the learned Single Judge whereby the writ petition was disposed of issuing certain directions.

2. It is submitted that no examination was conducted by the respondents for the period from March, 2017 till May, 2023. Even otherwise, the respondents in para 3 of their return have submitted that because of their in-house in-capabilities to maintain the service record of the writ petitioner/appellant, he was not relieved from the earlier company to the



present company and it is only on 04.01.2016, the appellant was relieved from the earlier company to the present company after four years. The respondents had undertaken the examination of Accounts Training Examination four times. The appellant has already filed the list and order Annexure P/11 collectively which shows that right from the year 2014 till 2017, the respondents were conducting exams one after another. However, after March, 2017 the next training and examination took place in the year 2023.

3. Before the Writ Court the respondents filed the return and in para 5 contended that whenever the next accounts training examination takes place on availability of sufficient number of candidates, the appellant would be granted opportunity to appear in the examination and if the appellant is found successful then he would be granted the benefit of third higher pay scale from the date when he first becomes eligible for the same.

4. It is not in dispute that that in the examination conducted from the year 2014 to 2017 sufficient candidates were available. On perusal of the said examination result we find that 25-30 candidates were there whereas despite after lapse of six years only 13 candidates appeared in the year 2023. It is also not in dispute that before examination there was training programme and since the candidates were not available, the training and examination could not be conducted. Though it is the duty of the respondents to conduct the examination timely, however, when there were no candidates available for imparting training followed by exams, we find no fault with the respondents. The petitioner has been granted the benefit as soon as he



completed training and passed examination in the year 2023.

5. Finding no error or perversity in the order passed by the Writ Court we hereby affirm the same and the appeal being devoid of merits and substance is accordingly dismissed.

(SURESH KUMAR KAIT)
CHIEF JUSTICE

(VIVEK JAIN)
JUDGE

MSP