

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

BEFORE

HON'BLE SHRI JUSTICE VIVEK JAIN

ON THE 28th OF OCTOBER, 2025

WRIT PETITION No. 11549 of 2024

JEEVENDRA MISHRA AND OTHERS

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

WITH

WRIT PETITION No. 7463 of 2024

SURESH PRASAD PANDEY AND OTHERS

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

WRIT PETITION No. 2192 of 2024

RAMHIT KUSHWAHA AND OTHERS

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

WRIT PETITION No. 7465 of 2024

ABHISHEK KHARE AND OTHERS

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

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Appearance:

Shri Sanjay Roy - Advocate for the petitioner.

***Shri Hitendra Singh – Govt. Advocate and Shri Vijay Shukla – P.L. for
the respondents / State***

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ORDER

The prayer in these petitions is made to consider the case of the petitioners for regularization in terms of the GAD circular dated 16.05.2007 which has been issued in terms of the directions issued by the Hon'ble Supreme Court in the case of **Secretary, State of Karnataka Vs. Uma Devi, (2006) 4 SCC 1**.

2. The contention of the learned counsel petitioners is that the petitioners had put in more than 10 years of service as contemplated under the circular dated 16.05.2007 and the cases of the petitioners ought to have been considered in terms of the said circular but instead the respondents have regulated their services in terms of GAD circular dated 07.10.2016. Learned counsel for the petitioners submits that similarly situated employees preferred W.P. No. 21915/2017 before this Court and coordinate Bench has issued directions.

3. Learned counsel for the respondent-State submits that once the petitioners' services have been regulated in terms of the subsequent circular dated 07.10.2016, they are not entitled to be considered in terms of the circular dated 16.05.2007.

4. Upon hearing learned counsel for parties, it is seen that coordinate Bench of this Court in W.P. No. 21915/2017 has passed the following order:-

"Petitioners' contention is that after their reinstatement since High Court had ensured their notional continuity for the purpose of counting that period as period spent on service except for financial benefits, the respondent - State was obliged to consider their case for regularization in terms of the decision of the Hon'ble Supreme Court in the case of

Secretary, State of Karnataka Vs. Uma Devi, (2006) 4 SCC 1, but instead of doing so they overlooked the Government Circular dated 16.05.2007 and subsequent circular issued in that behalf but have regulated the services of the petitioners in terms of the G.A.D. Circular dated 07.10.2016.

In the aforesaid backdrop, prayer is made, placing reliance on the decision of Supreme Court in **Om Prakash Banerjee Vs. State of West Bengal and Others, (2023 SCC OnLine SC 771)**, to suggest that since petitioners were entitled to and had put in more than 10 years of service as on the date of consideration in terms of the G.A.D. circular dated 16.05.2007, their cases should have been considered in the light of **Uma Devi (supra)**.

Reliance is also placed on a decision of this Bench in **W.P. No.29853/2022 (Irfan Qureshi and Others Vs. State of M.P. and Others)** decided on **08.02.2023**.

Shri Manas Mani Verma, learned Government Advocate for the State opposes the prayer and submits that petitioners are not entitled to any relief after their services being regulated in terms of G.A.D. Circular dated 07.10.2016.

After hearing learned counsel for the parties and going through the record, and with a view to maintain parity, it is directed that the respondents will consider the cases of the petitioners within a period of 120 days from the date of receipt of certified copy of this order being passed today in the light of the decision of Supreme Court in **Uma Devi (supra)** and the G.A.D. Circulars issued thereafter on 16.05.2007 and also other circulars issued from time to time.

Respondents are also directed to consider the cases of the petitioners as per their seniority after preparing a list of seniority showing the date of initial appointment of each of the workmen including those who have already been regularized. If they are subsequent appointees than the petitioners, then consider each case on the basis of the guidelines laid down by Hon'ble Supreme Court in the case of **Uma Devi (supra)**.

Let this exercise be completed, screening be done and eligible candidates be given their due within the aforesaid period."

5. Considering the aforesaid aspect and maintaining parity, it is directed that the respondents shall consider the cases of the present petitioners within a period of 4 months from the receipt of the certified copy of this order in terms of the decision of Hon'ble Supreme Court in the case of **Uma Devi (supra)** and GAD circular issued thereafter on 16.05.2007 and also subsequent circular issued from time to time in continuation thereafter.

6. Let this exercise be completed in the same terms as directed by coordinate Bench in W.P. No. 21915/2017 within a period of four months from the date of production of certified copy of this order.

7. The petitions stand **disposed off**.

(VIVEK JAIN)
JUDGE

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