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WA-1185-2025

IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE SANJEEV SACHDEVA,
ACTING CHIEF JUSTICE

&

HON'BLE SHRI JUSTICE SANJAY DWIVEDI

ON THE 30th OF JUNE, 2025

WRIT APPEAL No. 1185 of 2025

MADHYA PRADESH SHASHKIYA KARAMCHARI ADHIKARI

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

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Appearance:

Shri Ankit Saxena - Advocate for appellant.

*Dr. S.S. Chauhan - Government Advocate for respondents No.1 to
3/State.*

Shri Ishan Soni - Standing Counsel for respondent No.4.
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ORDER

Per. Sanjeev Sachdeva, Acting Chief Justice

Issue notice.

Notice is accepted by learned counsel appearing for respondents No. 1
to 4 as also by counsel for respondent No.4.

With the consent of the parties, the appeal is taken up for final hearing.

Petitioner impugns order dated 19.02.2025 whereby the writ petition
of the petitioner has been dismissed on the ground that petitioner has neither
filed the bylaws of the association nor a resolution of the general body of the
association authorising the President to file the petition on their behalf. In



the absence of any authorisation or resolution, the Writ Court has held the petition to be not maintainable.

Learned counsel for the petitioner submits that petitioner in the petition had mentioned that there was a resolution passed by the Executive Committee deciding to file the petition and even in the affidavit, there is a reference to a resolution dated 31.07.2005 to file the petition and authorising the President to file the same.

Learned counsel submits that though resolution of 31.07.2005 could not be found, a resolution of 08.08.2005 has been placed on record authorising the President to file the petition. He submits that both the resolutions are dated prior to the date of filing of the writ petition.

Non filing of a resolution is a curable defect. Learned Single Judge should have given an opportunity to the Appellant to cure the defect if any. We note that the petitioner association has on 22.02.2025 decided to file an appeal against the impugned order. It is settled position of law that an association can even ratify an act done in the past.

Keeping in view of the fact that the appellant has now produced the resolution of 08.08.2005 and the Executive Committee had decided to file an appeal and they always have the power to ratify a past conduct, we deem it expedient to remit the matter to the learned Single Judge to reconsider the same.

In view of the above, the impugned order dated 19.02.2025 is set aside. The matter is remitted to the learned Single Judge to consider the case of the appellant on merit. Appellant is also directed to produce the minute



books of the resolution dated 31.07.2005 as also 08.08.2005 on the record of the learned Single Judge. Learned Single Judge shall thereafter examine the authority of the President to file the petition afresh, if so authorised consider the case on merits.

The appeal, is accordingly, allowed in the above terms.

It is clarified that this Court has neither considered nor commented on the merits of the contentions of either party. All rights and contentions are reserved.

(SANJEEV SACHDEVA)
ACTING CHIEF JUSTICE

(SANJAY DWIVEDI)
JUDGE

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