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WA-2441-2025

IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE SANJEEV SACHDEVA,
CHIEF JUSTICE

&

HON'BLE SHRI JUSTICE VINAY SARAF

ON THE 29th OF OCTOBER, 2025

WRIT APPEAL No. 2441 of 2025

POORTI JAIN

Versus

THE DEENDAYAL ANTODAYA YOJNA AND OTHERS

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Appearance:

Shri Sanyam Jain - Advocate for the appellant through video conferencing.

Shri Abhijeet Awasthi - Deputy Advocate General for the respondents/State.
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ORDER

Per. Hon'ble Shri Justice Sanjeev Sachdeva, Chief Justice

Appellant impugns the order dated 03.07.2025; whereby the writ petition filed by the petitioner seeking enhancement of the horizontal reservation for women category to 50% has been rejected.

2. Respondents had invited applications vide advertisement issued in the year 2021 for the post of Technical Specialists (City Mission Manager) and Community Group for appointment on contract basis. In the advertisement erroneously respondents mentioned the horizontal reservation for women category at 50%. Petitioner applied in the examination, however, subsequently when the select-list was issued the reservation was reduced from 50% to 33%. Petitioner had qualified the examination, however, could not make the cut-off list of selected candidates and also did not come within



the 33% reserved category for women. The challenge of the petitioner is that the advertisement had prescribed 50% reservation, however, in the select-list only 33% reservation has been given to women category.

3. The respondents in their response to the writ petition had mentioned that on account of certain administrative error and confusion in the department, the advertisement had mentioned the reservation at 50%. Said advertisement was issued in ignorance of a notification issued by the General Administration Department, which had mandated a maximum reservation of 33% for women. It is stated in the affidavit that to correct the anomaly, the select-list was published only in respect of the permissible 33% reserved seats and not 50%, as had been erroneously mentioned in the select-list.

4. Learned counsel for the respondents submits that in case the reservation had been kept at 50% contrary to the notification issued by the General Administration Department, the entire selection process would have come under cloud and was liable to be challenged and accordingly, the error was corrected as soon as the same was noticed.

5. Learned Single Judge in the impugned order has also noticed that the M.P. Civil Services Special Provision for appointment of Women Rules, 1997, which were amended vide notification dated 17.11.2015 had mandated a maximum reservation of 33% for women, which was to be done horizontally and compartmentally. Learned Single Judge has noticed that the statute provided for a maximum horizontal reservation of 33% and the advertisement, which had mentioned 50% reservation, was contrary to the statute. There can be no estoppel against a statute and consequently the



respondents on noticing the error had corrected the same before appointment orders were issued.

6. It is settled position of law that a candidate only has a right to fair chance in an examination and prescribing reservation contrary to statute, cannot raise any legitimate expectation for an appointment.

7. We find no infirmity in the view taken by the learned Single Judge that any appointment contrary to Rules cannot be permitted and reservation prescribed in an advertisement contrary to the reservation permissible under a statute cannot be given effect to.

8 . We find no merit in the appeal. The appeal is consequently dismissed.

(SANJEEV SACHDEVA)
CHIEF JUSTICE

(VINAY SARAF)
JUDGE

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