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WA-294-2025

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 10th OF SEPTEMBER, 2025

WRIT APPEAL No. 294 of 2025

DR ASHOK KUMAR LAL

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

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Appearance:

Shri Kailash Chandra Ghildiyal - Senior Advocate with Ms. Warija
Ghildiyal - Advocate for the appellant.

Dr. S.S. Chauhan - Government Advocate for the respondents/State.

Shri Sanjay K. Agrawal - Senior Advocate with Ms. Sharon Agrawal -
Advocate for the respondent No.5.
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ORDER

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

Learned senior counsel for the appellant submits that appellant has been non suited on two grounds, firstly on the ground of concealment and secondly on the ground that the appellant was only given charge of the post of Chief Medical & Health Officer till the time of regular incumbent is appointed and since respondent no. 5 has been regularly appointed, the charge was taken away.

Learned senior counsel submits that there was no concealment of a material fact, which could have a bearing on the final result of the case and secondly the respondent No. 5 was also given charge of the post and has not been regularly appointed and as such the learned Single Judge erred in holding that since a regular



incumbent has been appointed, the charge could be taken away and given to a regular incumbent.

In so far as the contention of learned senior counsel for the appellant on the ground of concealment is concerned, we note that learned Single Judge in the impugned order has held that the appellant failed to mention in the petition filed on 6.8.2024 that appellant had handed over the charge on 3.8.2024.

Per contra, learned senior counsel for the respondent submits that the charge was voluntarily handed over and had a material bearing on the facts of the case.

We note that learned Single Judge has merely observed that there was concealment however has not adverted to the fact as to how the factum of handing over of charge was likely to effect the result of the case of the appellant i.e. the claim of appellant for entitlement to be given charge of the said post.

In view of the above, learned senior counsel for the appellant seeks leave to withdraw the appeal with liberty to approach the learned Single Judge by way of a review petition.

In view of above, the appeal is dismissed as withdrawn with liberty as prayed for.

The question as to whether appellant had made a material concealment of fact and if so its effect is left open.

(SANJEEV SACHDEVA)
CHIEF JUSTICE

(VINAY SARAF)
JUDGE