THE HIGH COURT OF MADHYA PRADESH

(DIVISION BENCH)

WRIT PETITION NO. 17661/2020

Dr. Deepti Shukla

-Versus-

State of Madhya Pradesh and others

Shri Satya Prakash Mishra, learned counsel for the petitioner.
Shri Swapnil Ganguly, learned Deputy Advocate General for respondent/State.

CORAM :

Hon'ble Shri Justice Sanjay Yadav, Acting Chief Justice.

Hon'ble Shri Justice Vijay Kumar Shukla, Judge.

O R D E R

(Jabalpur, dated 07-12-2020)

Per : Sanjay Yadav, Acting Chief Justice.-

Petitioner seeks direction to the respondents to permit the petitioner choice filling in the subject of commerce for the appointment as Guest Faculty/Lecturer.

2. It is borne out from the pleadings and documents on record that Guest Faculty for an academic session are appointed by the State Government by inviting application. That, for the academic session 2016-17 some dispute arose when the State Government

issued advertisement for fresh appointments. On being challenged an order came to be passed in Writ Petition No. 9368/2016 in the following terms on 26.9.2017:

> "Shri Amit Seth points out that as on 25.9.2017, 989 members of the guest faculty have got an order of status quo, in different petitions filed before all Benches of this Court. Out of the said 989 candidates, 905 have applied on-line for engagement as guest faculty; 641 candidates were selected; 477 candidates have been posted in the same college; whereas 164 candidates have been given new college, as per their options. It is pointed out that 84 candidates have not applied for appointment and whereas 264 have not been selected.
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> It is also pointed out that many candidates were not working in the last academic session i.e… 2016-2017, who have also approached the Court and have been granted adinterim order of status quo in respect of their services.
>
> Therefore, after hearing learned counsel for the parties, the interim order passed in the bunch of petitions is modified as under:-
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> (1) The 84 candidates who have not applied and the 264 candidates who have not been selected, and were working in the last academic session 2016-2017, will be allowed to rejoin the place of posting and the State will permit them to continue in the current academic session.

(2) The writ petitioners, who were not working in the academic session 2016-2017 if have been granted ad-interim order regarding their services, such interim orders shall stand vacated.

(3) The State will be at liberty to fill up the vacant vacancies, if any, out of the candidates in the merit list in accordance with law.(4) All matters which are pending before Indore and Gwalior Benches or before learned Single Bench of this Court are ordered to be transferred to the Principal Bench for hearing alongwith the present writ petition. The pending matters at Jabalpur, Gwalior and Indore are filed herewith as Annexure A, Annexure B and Annexure C respectively.

(5) The Benches at Indore and Gwalior shall transfer all cases filed hereinafter to this Court for hearing.

(6) If any individual petitioner has any grievance, liberty is given to apply for clarification or modification of the order, as the case may be."

3. Consequent whereof the petitioner was invited as Guest Faculty vide order dated 17.9.2018. However, the petitioner did not join and left the job. Consequent whereof the said post fell vacant.

4. That, the State Government in order to fill in the vacant posts arising out of transfer and on completion of term issued a notification No. F.1-42/2017/38-1 dated 17.12.2019 for

appointment of existing Guest Faculty as per terms and conditions delineated in the notification.

5. Evidently, since the petitioner was not continuing as Guest Faculty she is not within the zone of consideration.

6. That, being so no mandamus can be issued to the respondents to permit the petitioner to fill the choice.

7. Consequently, petition fails and is dismissed.

(SANJAY YADAV)
ACTING CHIEF JUSTICE

(VIJAY KUMAR SHUKLA)
J U D G E

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