THE HIGH COURT OF MADHYA PRADESH

(Division Bench)

Hearing through video conferencing

Writ Petition No.19155/2020

Hridesh Kumar Patkar
versus
The State of Madhya Pradesh and others

Shri Shyam Yadav, learned counsel for the petitioner.

Shri Swapnil Ganguly, learned Deputy Advocate General for the respondent-State.

CORAM :

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

Hon'ble Mr. Justice Vijay Kumar Shukla, Judge

O R D E R

(Jabalpur, dated : 15.12.2020)

Per : Sanjay Yadav, Acting Chief Justice:

Petitioner seeks quashment of notification dated 30.06.2020 and 17.12.2019 and the direction to the respondents to allow her to participate in the selection process for appointment as Guest Faculty for the academic session 2020-21.

So far as the letter No.699/335/अ.उ.शि./शा2/2C dated 30.06.2020 is concerned it is an inter departmental

communication whereby the Commissioner, Higher Education has called the Principals of all Government Colleges to take steps for inviting application from such Guest Faculty working as on 30.06.2020. The notification which this letter refers to dated 17.12.2019 which has been issued in furtherance to order dated 26.09.2017 passed in Writ Petition No.9368/2016; whereby, it was directed-

> "(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."

The impugned notification dated 17.12.2019 being in consonance with the orders passed in W. P. No.9368/2016 it cannot be held to be erroneous merely because it proposes to continue the existing Guest Faculty for new academic session.

Since the petitioner is not an existing Guest Faculty, has no right to seek a direction for consideration of his appointment.

In view whereof, since no relief can be granted. Consequently, petition fails and is dismissed. No costs.

(Sanjay Yadav)
ACTING CHIEF JUSTICE

(Vijay Kumar Shukla)
JUDGE

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