IN THE HIGH COURT OF MADHYA PRADESH

AT INDORE

BEFORE

HON'BLE SHRI JUSTICE PRANAY VERMA

ON THE 2nd OF FEBRUARY, 2024

WRIT PETITION No. 12511 of 2020

BETWEEN:-

ISHWARI MUKATI D/O SUKHDEV MUKATI, AGED ABOUT 34 YEARS, OCCUPATION: GUEST FACULTY FLAT NO. 403J BLOCK, LABHAM RESIDENCY (MADHYA PRADESH)

.....PETITIONER

(BY SHRI AKASH SHARMA - ADVOCATE)

AND

1. **STATE OF M.P. THROUGH DEPARTMENT OF HIGHER EDUCATION PRINCIPAL SECRETARY SATPURA BHAWAN, BHOPAL (MADHYA PRADESH)**
2. **COMMISSIONER HIGHER EDUCATION DEPARTMENT SATPURA BHAWAN, BHOPAL (MADHYA PRADESH)**

.....RESPONDENTS

(BY SHRI ANENDRA SINGH PARIHAR – PANEL LAWER)

This petition coming on for admission this day, the court passed the following:

ORDER

1. By this petition the petitioner has prayed for the following reliefs :-

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> *"(1) To, allow the writ petition by quashing the impugned notification dated 30.06.2020 (Ann. P/2) issued by the respondent No.2.*
> *(2) To, quash the impugned schedule dated 17.12.2019 (Ann. P/3) issued by the respondents No.2.*
> *(3) To direct the respondents to allow the petitioner to participate in the selection process for the appointment of guest faculty in pursuance to schedule dated 30.06.2020.*
> *(4) To, direct the respondent no.2 to open the link on the portal of higher education to the petitioner or permit the petitioner to apply manually for the academic session of 2020-2021.*
> *(5) To issue an appropriate writ, direction or order, as this Hon'ble court things fit & proper seeing the facts and circumstances of the case."*

2. Learned counsel for the petitioner submits that the petitioner may be permitted to submit a fresh application before the respondents who may be directed to determine whether the petitioner is fulfilling the eligibility criteria in terms of the U.G.C. Norms. If he is found to be fulfilling the eligibility criteria then he may be considered for appointment to the post of guest faculty in question and in case he is not fulfilling the eligibility criteria he may not be considered. Reliance has been placed on the decision of Division Bench of this Court at Principal Seat, Jabalpur in **W.P. No.17228/2023 (Dr. Sachin and Others V/s. State of M.P. and Others) decided on 31.07.2023 and the order dated 26.04.2022 passed in W.P. No.6159/2022 (Pradeep Kumar Yadav V/s. State of M.P. & Others)**.

3. Learned counsel for the respondents has submitted that in case such an application is filed by the petitioner then the same shall be considered in accordance with law.

4. Thus in view of the aforesaid, it is directed that in case the

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petitioner makes an application before the respondents in respect of the grievances as raised by them in this petition, then the said application shall be considered and decided by the Commissioner, Department of Higher Education, Bhopal, respondent No.2 in accordance with law and by taking into consideration the judgments rendered in the case of **Dr. Sachin & Others (supra)** and **Pradeep Kumar Yadav (supra)**. The said decision be taken within a period of three months from the date of filing of the application by the petitioners.

5. With the aforesaid, without expressing any opinion on merits, the petition stands disposed off.

(PRANAY VERMA)
JUDGE

ns

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