
(2020) 03 MP CK 0170
In the Madhya Pradesh High Court
Case No : Writ Petition No. 5743 Of 2020

Ramsevak Sharma

APPELLANT

Vs

State Of Madhya Pradesh And Others

RESPONDENT

Date of Decision : 12-03-2020

Acts Referred:

Constitution Of India, 1950 — Article 226

Citation : (2020) 03 MP CK 0170

Hon'ble Judges : Sujoy Paul, J

Bench : Single Bench

Advocate : V.K.Dubey, J.K.Pillai

Final Decision : Dismissed

Judgement

Learned counsel for the petitioner by placing reliance on the order dated 07.02.2020 passed in W.P.No.3059/2020 urged that the impugned order dated 14.2.2020 (Annx.P/5) is passed without affording opportunity to the petitioner which runs contrary to the order of this court passed in W.P.No.3059/2020.

Prayer is opposed by the other side.

During the course of hearing, learned counsel for the petitioner fairly submits that by order dated 25.2.2020 (Annx.P/3), the petitioner was given additional charge of Gram Panchayat Bheer in addition to the charge which petitioner was holding in Gram Panchayt Karah. Putting it differently, learned counsel for the petitioner submits that additional charge of village Bheer was withdrawn whereas petitioner is continuing with the charge of Gram Panchayat Karah.

The question is whether for this purpose this petition is maintainable. Curtains are drawn on this aspect by the Supreme Court in State of Haryana Vs. S.M.Sharma-AIR 1993 SC 2273. The Apex court opined as under :-

"11. We are constrained to say that the High Court extended its extraordinary jurisdiction under Article 226 of the Constitution of India to a frivolity. No one has

a right to ask for or stick to a current duty charge. The impugned order did not cause any financial loss or prejudice of any kind to Sharma. He had no cause of action whatsoever to invoke the writ jurisdiction of the High Court. It was a patient misuse of the process of the Court.â?

In view of the aforesaid judgment, it is clear that this writ petition is not maintainable. Even if petitioner has not been heard, since no legal, vested, constitutional or statutory right of petitioner is withdrawn or taken away, no prejudice is caused to the petitioner. Petition is not tenable. Accordingly, it is dismissed.