
(2013) 07 MP CK 0199

In the Madhya Pradesh High Court

Case No : Writ Petition No. 11946 of 2013

S.K. Shukla

APPELLANT

Vs

State of MP and Others

RESPONDENT

Date of Decision : 25-07-2013

Acts Referred:

Citation : (2013) 07 MP CK 0199

Hon'ble Judges : R.S. Jha, J

Bench : Single Bench

Advocate : Rajendra Pandey, for the Appellant;

Final Decision : Dismissed

Judgement

R.S. Jha, J.—The petitioner has filed this petition being aggrieved by order dated 16.04.2013 passed by the Collector, Chhindwada whereby in compliance of the directions issued by this court in several writ appeals which have been affirmed by the Supreme Court in special leave petition, the authority has considered the case of the daily wage section writers for the purpose of regularization and has regularized them on the basis of seniority on the available vacancy ignoring the claim of the petitioner. It is submitted by the learned counsel for the petitioner that the petitioner had previously approached this court for regularization by filing W.P. No. 4255/2010 which was disposed of by this court on 07.04.2010 with a direction to the respondents/authorities to consider the case of the petitioner in the light of the order passed by the Tribunal in O.A. No. 389/93 (Ram Bahadur Sharma Vs. State of MP and others) decided on 13.05.1999 and thereafter in case the petitioner is found entitled to the similar benefit, same may be granted to him.

2. It is stated by the learned counsel for the petitioner that several identical orders were passed by the learned single judge based on order passed by the Tribunal in the case of Ram Bahadur (supra) as a result of which the State had filed writ appeals which were conjointly decided on 15.12.2010

3. (Annexure P/8) and the Division Bench of this court taking note of the fact that subsequent to the passing of the order by the learned single judge the Supreme Court has settled the law regarding regularization in the case of Secretary, State of Karnataka and Others Vs. Umadevi and Others, , therefore the order passed by the learned single judge was modified giving opportunity to the authorities to scrutinize the case of the persons in the light of the decision of the Supreme Court rendered in the case of Umadevi and thereafter take a decision thereon.

4. From a perusal of the impugned order dated 16.04.2013 it is evident that the Collector, Chhindwada in the light of the order passed in writ appeal and the fact that SLP filed by the State which has been dismissed, has considered the case of all section writers working in Chhindwada on the basis of seniority and the available vacancies and thereafter ordered regularization of only eight persons. The petitioner on being left out has filed the present petition against the said order claiming parity and similar relief.

5. Having heard the learned counsel for the petitioner, it is observed that the Collector in the impugned order has granted regularization on the basis of seniority and availability of vacancies. Nothing has been pointed out or placed before this court to indicate that any of the persons regularized is junior to the petitioner or that the petitioner was more qualified or suitable for regularization than any of the persons regularized by the impugned order in accordance with the parameters laid down by the Supreme Court in the case of Umadevi (supra).

6. It is further evident from the decision of the Supreme Court in the case of Umadevi that the aforesaid one time exercise for considering cases for regularization had to be undertaken by the authority and that the Supreme Court has further gone on to hold that the system of making appointment through regularization without following the procedure prescribed by law, is unconstitutional and therefore impermissible.

7. In the facts and circumstances, of the case, I find no reason to allow the prayer made by the petitioner for regularization specifically in the light of the decision rendered by the Supreme court in the case of Umadevi (supra). The petition being meritless is accordingly dismissed.