

IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR
WP No. 11987 of 2025
(DR. GIRISH VERMA Vs THE STATE OF MADHYA PRADESH AND OTHERS)

Dated : 08-04-2025

Shri Ankit Agrawal - Advocate for petitioner.

Shri Mohan Sausarkar - Government Advocate for State on advance notice.

Shri Sanjayram Tamrakar - Senior Advocate with Shri Ankit Chopra - Advocate appears on caveat for respondent no.5.

Issue notice to the respondents on payment of process fee within seven working days' by RAD mode, failing which, this petition shall stand dismissed without further reference to the Court.

Heard on the question of interim relief.

Counsel appearing for the petitioner has challenged the impugned order on the ground that the respondents have misused and misinterpreted the order dated 27.08.2024 passed in WP No.20865 of 2024 and arbitrarily handed the charge of Principal to the respondent No.5, who is six years' junior to the petitioner as a Professor.

It is pointed out that the petitioner is working as a Professor at Government M.H. Home Science Girls P.G. College (Government Autonomous), Jabalpur from 08.02.2012 and being the senior most Professor of the said college had applied for posting as In-charge Principal in terms of the circular dated 05.08.2024 issued the State Government. The respondent No.5 is appointed and working as a Professor at Government M.H. Home

Science Girls P.G. College (Government Autonomous), Jabalpur since 13.06.2018. Admittedly, he is six years' junior to the petitioner as Professor. Therefore, in terms of the circular issued by the Government dated 15.02.2022 whereby it is directed that the charge of the Principal is required to be given to the senior most Professor and the same has not been considered by the authorities while granting charge to the respondent No.5. Counsel appearing for the petitioner has drawn attention of this Court to an identical order passed in the case of Prantiya Shasakiya Mahavidyalayeen Pradhyapak Sangh and others vs. The State of Madhya Pradesh and others (Writ Petition No.20865 of 2024, decided on 27.08.2024) wherein, the similar issue was dealt with and it is submitted that the case of the petitioner is squarely covered by the judgment in the aforesaid case. Therefore, he has prayed for staying the effect and operation of impugned order dated 08.11.2024 (Annexure P/6).

Senior counsel appearing for the caveator by filing a short reply to the petition has made an attempt to distinguish the judgment passed by the Coordinate Bench in the case of Prantiya Shasakiya Mahavidyalayeen Pradhyapak Sangh (supra). It is further pointed out the order was passed on 08.11.2024 and the same was executed by the respondent No.5. The non-explanation of the reason with regard to the delay in filing the instant petition has been suppressed materially as the petitioner is a fence-sitter and, therefore, cannot claim any right by virtue of the order passed in earlier writ petition. It is further contended that the procedure which is required to be adopted and after considering the fact that the respondent No.5 is fulfilling all

criteria and after facing an interview in pursuance to the order passed in Writ Petition No.20865 of 2024 the order dated 08.11.2024 has been passed, as the respondent No.5 in terms of his qualification is entitled for being designated as Professor prior to the petitioner. Therefore, the authorities have rightly extended the benefit to the respondent No.5 by the impugned order. In view of the aforesaid, there is no occasion to grant interim relief to the petitioner.

However, the fact remains that the respondent No.5 is working as Professor since 13.06.2018 and the petitioner is working on the post of Professor since 08.02.2012. It may be a case that the respondent No.5 may be eligible for being designated as a Professor prior to the petitioner but the fact remains that he has been made Professor in June, 2018 which is reflected from the documents and the same is not disputed. It is for the respondents to demonstrate that he is actually made a Professor prior to the petitioner, therefore, procedure in terms of the circular issued by the Government for giving the charge of the Principal to the senior most Professor has not been followed in the present case. Under these circumstances, this Court deems it appropriate to grant interim relief to the petitioner.

Therefore, the effect and operation of the order impugned dated 08.11.2024 (Annexure P/6) so far as it relates to granting of charge of Principal to the respondent No.5 is directed to be stayed till the next date of hearing.

Four weeks' time is granted to the State to file response to the petition.

The respondent No.5 is also at liberty to file a detailed reply to the

petition along with the application for vacating stay.

List the matter after four weeks.

(VISHAL MISHRA)
JUDGE

THK