

HIGH COURT OF MADHYA PRADESH : JABALPUR
FULL BENCH - I (Time 2:30 PM)

Daily Cause List dated : 11-02-2021

BEFORE: HON'BLE THE CHIEF JUSTICE & HON'BLE SHRI JUSTICE RAJEEV KUMAR
DUBEY & HON'BLE SHRI JUSTICE VIJAY KUMAR SHUKLA

Hearing through Video Conferencing

MOTION HEARING

[DIRECTION MATTERS]

SN	Case No	Petitioner / Respondent	Petitioner/Respondent Advocate
1	IA No. 2641/2018 - INTERIM RELIEF in WP 01539/2018 (S)	ARUN PARMAR Versus THE STATE OF MADHYA PRADESH	ANJANA SHRIVASTAVA, AJAY SHANKAR RAIZADA, JAGADISH PRASAD KANOJIA, MANOJ KUMAR SHARMA[P-1], PARAG TIWARI[P-1], SIDDHARTH PATEL[P-1], AMARDEEP GUPTA[P-1] ADVOCATE GENERAL, PIYUSH BHATNAGAR[INT], SANJAY KUMAR AGRAWAL[INT], RAMSAKHA KUSHWAHA[INT], SIDDHARTH KUMAR SHARMA[INT], ABHISHEK ARJARIA[INT], SATISH CHOURASIA[INT], MANU V. JOHN[INT], DARSHAN SONI[INT], ANKITA KHARE[INT], SAMDARSHI TIWARI[R- 1][AG], AKSHAY PAWAR[R-1][INT], VEER VIKRANT SINGH[R-1][INT], ARPAN PAWAR[R- 1][INT], AISHWARYA SINGH[R-1][INT] [R-2][INT][R-2][INT][R-2][INT][R-2][INT] [R-3][INT][R-3][INT][R-3][INT][R-3][INT] [R-4][INT][R-4][INT][R-4][INT][R-4][INT] [R-5][INT][R-5][INT][R-5][INT][R-5][INT] [R-6][INT][R-6][INT][R-6][INT][R-6][INT], KAILASH CHANDRA GHILDYAL[INT], MANOJ KUMAR RAJAK[INT], MANEESH KHOLIA[INT], SHIVAM MISHRA[INT], PAWAN BANSAL[INT], HARISH CHANDRA SINGH[INT], PRADEEP KUMAR DWIVEDI[INT], SHOBHITADITYA[R- 1][INT][R-2][INT][R-3][INT], JAGAT SINGH[INT], SHIVAM HAZARI[INT], SATISH CHAND CHATURVEDI[INT], VARUN TANKHA[R-7][INT], SAMRESH KATARE[R-7][INT], RAHUL GUPTA[R- 7][INT]

SERVICE RELATING TO STATE GOVT.-17100 - Seniority-17142 - Others
Relief - FOR DIR. TO THE RESP. O DECIDE THE REPRESENTATION P-8 and P-12
REGARDING SENIORITY OF THE PETITIONER

{FIXED DATE (ADMINISTRATIVE ORDER) COVID-19} **(FOR
CONSIDERATION OF THE FOLLOWING QUESTIONS: (1) THE
JUDGMENT OF THE FULL BENCH DEALING THE ISSUE OF PROBATION
IS RELYING UPON THE RULE 8 OF THE RULES OF 1961 ALTHOUGH IN
THE LIGHT OF RULE 3 WHICH DEALS THE APPLICABILITY EITHER IN
THE RULES OF 1961 OR IN THE RULES OF 1975 ON HAVING SPECIAL
PROVISION, THE RULES OF 1961 WOULD NOT APPLY AND IN THE
PRESENT CASE, THE SERVICES OF THE PETITIONERS OR THE
INTERVENORS ARE GOVERNED BY THE RULES OF 1975 AND RULE 13
DEALS THE ISSUE OF PROBATION, HOWEVER, THE JUDGMENT OF
THE FULL BENCH REQUIRES RECONSIDERATION IN THE SAID
CONTEXT. (2) RULE 12 AND RULE 12(1)(A) APPLY TO THE "MEMBERS
OF THE SERVICE" AND IT DO NOT DEAL WITH THE SENIORITY OF
THE PROBATIONERS, WHO HAVE NOT QUALIFIED THE
DEPARTMENTAL EXAMINATION WITHIN THE PERIOD OF PROBATION
OR WITHIN THE EXTENDED PERIOD OF PROBATION, WHICH SHALL
NOT BE MORE THAN ONE YEAR, HOWEVER, THE INTERPRETATION
MADE IN PARAGRAPH NO.4 OF THE DIRECTION APPLYING THOSE
RULES IS JUSTIFIED. (3) AS PER DIRECTION NO.2 OF THE JUDGMENT
OF THE FULL BENCH IN THE CASE OF PRAKASH CHANDRA
JANGRE(SUPRA), IT IS HELD THAT IF THE PROBATIONER HAS NOT
QUALIFIED THE DEPARTMENTAL EXAMINATION WITHIN THE PERIOD
OF PROBATION OR WITHIN THE EXTENDED PERIOD OF PROBATION,
HE SHALL BE DEEMED TO BE A TEMPORARY GOVERNMENT SERVANT
AND SHALL BE GOVERNED BY THE RULES OF 1960 BUT WITHOUT**

Daily Cause List dated : 11-02-2021
BEFORE: HON'BLE THE CHIEF JUSTICE & HON'BLE SHRI JUSTICE RAJEEV KUMAR
DUBEY & HON'BLE SHRI JUSTICE VIJAY KUMAR SHUKLA

DEALING THE ISSUE OF SENIORITY, HOW THEY WILL ACHIEVE, AS SPECIFIED IN RULES 3, 3A,4,5,6,7, THE DIRECTION ISSUED IN CLAUSE 4 OF THE SAID JUDGMENT, IS NOT CONTRARY TO THE SPIRIT OF THE RULES OF 1960.

01-A PETITION FILED UNDER ARTICLE 226 AND/OR 227 OF CONSTITUTION

Connected (7)
1.1 WP 01541/2018 (S)

WP/01539/2018 (M)

VIVEK SHROTRIYA

Versus

CHIEF SECRETARY
GOVERNMENT OF MP

ANJANA SHRIVASTAVA, AJAY SHANKAR
RAIZADA, JAGADISH PRASAD KANOJIA, ISHAN
MEHTA[P-1], KARUNANIDHI BUNDELA[P-1],
SATYENDRA KUMAR PATEL[P-1], ANSHUMAN
SINGH[P-1]

ADVOCATE GENERAL, SANJAY KUMAR
AGRAWAL[INT], RAMSAKHA KUSHWAHA[INT],
DARSHAN SONI[INT], SIDDHARTH KUMAR
SHARMA[INT], PIYUSH BHATNAGAR[INT],
ANKITA KHARE[INT], AMIT SETH[R-1][AG],
SAMDARSHI TIWARI[R-1][AG],
SHOBHITADITYA[R-1][INT][R-2][INT][R-3][INT],
SATISH CHAND CHATURVEDI[INT], SHIVAM
HAZARI[INT], JAGAT SINGH[INT]

SERVICE RELATING TO STATE GOVT.-17100 - Seniority-17142 - Seniority-17142
Relief - TO QUASH THE IMPUGNED ORDER DT. 14/09/2017 ANN P/16

{FIXED DATE (ADMINISTRATIVE ORDER) COVID-19} **(THIS PETITION IS LINKWITH WP NO.1539/2018).**

01-A PETITION FILED UNDER ARTICLE 226 AND/OR 227 OF CONSTITUTION

Linked (7)
1.2 IA No. 924/2018 -
AMENDMENT IN
RECORD in
WP 01712/2018 (S)

WP/01539/2018 (M)

WARAD MURTI MISHRA

Versus

CHIEF SECRETARY
GOVERNMENT OF M.P

AJAY SHANKAR RAIZADA, JAGADISH PRASAD
KANOJIA, SWAPNIL GANGULY[P-1][P-1],
ABHISHEK SINGH[P-1], AMARDEEP
GUPTA[P-1], PARAG TIWARI[P-1], SIDDHARTH
PATEL[P-1], MANOJ KUMAR SHARMA[P-1],
QUAZI FAKHRUDDIN[P-1]

ADVOCATE GENERAL, SAMDARSHI TIWARI[R-1][AG]

SERVICE RELATING TO STATE GOVT.-17100 - Seniority-17142 - Determination of Seniority

Relief - FOR PLACEMENT OF THE PETITIONER IN THE SENIORITY LIST

{FIXED DATE (ADMINISTRATIVE ORDER) COVID-19} **(THIS PETITION IS LINKWITH WP NO.1539/2018)**

01-A PETITION FILED UNDER ARTICLE 226 AND/OR 227 OF CONSTITUTION

Linked (7)
1.3 IA No. 2722/2018 - FOR
INTERIM
DIRECTION,4664/2018
- APPLICATION FOR
RECALL OF THE
ORDER DATED
12/03/20,10877/2018 -
DELINKING CASE NO.
FROM WP
1539/18,3706/18 AND
3716/ in
WP 02644/2018 (S)

WP/01539/2018 (M)

SMT. MANISHA SENTIYA

Versus

THE STATE OF MADHYA
PRADESH

SANJIV KUMAR MISHRA, HIMANSHU MISHRA,
JUBIN PRASAD, SATISH KUMAR DIXIT,
ANVESH SHRIVASTAVA

ADVOCATE GENERAL, SAMDARSHI TIWARI[R-1][AG], AMIT SETH[R-1][AG], SANJAY KUMAR
AGRAWAL[INT], PIYUSH BHATNAGAR[INT],
RAMSAKHA KUSHWAHA[INT], SIDDHARTH
KUMAR SHARMA[INT], ANKITA KHARE[INT]

Daily Cause List dated : 11-02-2021
BEFORE: HON'BLE THE CHIEF JUSTICE & HON'BLE SHRI JUSTICE RAJEEV KUMAR DUBEY & HON'BLE SHRI JUSTICE VIJAY KUMAR SHUKLA

SERVICE RELATING TO STATE GOVT.-17100 - Seniority-17142 - Others
Relief - TO DIRECT THE RESPONDENT TO DECIDE and REASSIGN SENIORITY TO THE PETITIONER.

{FIXED DATE (ADMINISTRATIVE ORDER) COVID-19} **(THIS PETITION IS LINKWITH WP NO.1539/2018)**
01-A PETITION FILED UNDER ARTICLE 226 AND/OR 227 OF CONSTITUTION

Linked (7)
1.4 IA No. 2721/2018 - FOR INTERIM DIRECTION,14312/2018 - SEEKING INTERIM DIRECTION in WP 03706/2018 (S)

SMT. BHARATI OGREY
SANJIV KUMAR MISHRA, HIMANSHU MISHRA, JUBIN PRASAD, SATISH KUMAR DIXIT, ANVESH SHRIVASTAVA

WP/01539/2018 (M)

Versus

THE STATE OF MADHYA PRADESH

ADVOCATE GENERAL, SIDDHARTH KUMAR SHARMA[INT], DARSHAN SONI[INT], RAMSAKHA KUSHWAHA[INT], SANJAY KUMAR AGRAWAL[INT], PIYUSH BHATNAGAR[INT], ANKITA KHARE[INT], AMIT SETH[R-1][AG], SHOBHITADITYA[R-1][INT][R-2][INT][R-3][INT], SATISH CHAND CHATURVEDI[INT], SHIVAM HAZARI[INT], JAGAT SINGH[INT], KAILASH CHANDRA GHILDIYAL[R-5], MANOJ KUMAR RAJAK[R-5], PRADEEP KUMAR DWIVEDI[R-5]

SERVICE RELATING TO STATE GOVT.-17100 - Seniority-17142 - Others
Relief - FOR DIR. TO THE RESP. TO DEICE and REASSIGN SENIORITY TO THE PETITIONER

{FIXED DATE (ADMINISTRATIVE ORDER) COVID-19} **(THIS PETITION IS LINKWITH WP NO.1539/2018)**
01-A PETITION FILED UNDER ARTICLE 226 AND/OR 227 OF CONSTITUTION

Linked (7)
1.5 IA No. 2723/2018 - FOR INTERIM DIRECTION,14314/2018 - APPL. SEEKING INTERIM DIRECTION in WP 03716/2018 (S)

RAJESH OGREY

SANJIV KUMAR MISHRA, HIMANSHU MISHRA, JUBIN PRASAD, SATISH KUMAR DIXIT, ANVESH SHRIVASTAVA

WP/01539/2018 (M)

Versus

THE STATE OF MADHYA PRADESH

ADVOCATE GENERAL, SANJAY KUMAR AGRAWAL[INT], RAMSAKHA KUSHWAHA[INT], JITENDRA KUMAR PATEL[INT], ANKITA KHARE[INT], SIDDHARTH KUMAR SHARMA[INT], DARSHAN SONI[INT], PIYUSH BHATNAGAR[INT], SAMDARSHI TIWARI[R-1][AG], SHOBHITADITYA[R-1][INT][R-2][INT][R-3][INT], JAGAT SINGH[INT], SHIVAM HAZARI[INT], SATISH CHAND CHATURVEDI[INT], KAILASH CHANDRA GHILDIYAL[R-5], MANOJ KUMAR RAJAK[R-5], PRADEEP KUMAR DWIVEDI[R-5]

SERVICE RELATING TO STATE GOVT.-17100 - Seniority-17142 - Seniority-17142
Relief - TO DECIDE AND REASSIGN SENIORITY TO THE PETITIONER

{FIXED DATE (ADMINISTRATIVE ORDER) COVID-19} **(THIS PETITION IS LINKWITH WP NO.1539/2018)**
01-A PETITION FILED UNDER ARTICLE 226 AND/OR 227 OF CONSTITUTION

Connected (7)
1.6 IA No. 1703/2019 - AMENDMENT IN RECORD in

VINAY NIGAM

MANOJ KUMAR SHARMA, SIDDHARTH PATEL, PARAG TIWARI, AMARDEEP GUPTA, QUAZI FAKHRUDDIN

Daily Cause List dated : 11-02-2021

BEFORE: HON'BLE THE CHIEF JUSTICE & HON'BLE SHRI JUSTICE RAJEEV KUMAR DUBEY & HON'BLE SHRI JUSTICE VIJAY KUMAR SHUKLA

WP 16735/2018 (S)

WP/01539/2018 (M)

Versus

THE STATE OF MADHYA
PRADESH

ADVOCATE GENERAL, SATISH CHAND
CHATURVEDI[INT], JAGAT SINGH[INT],
SHIVAM HAZARI[INT]

SERVICE RELATING TO STATE GOVT.-17100 - Seniority-17142 - Seniority-17142
{FIXED DATE (ADMINISTRATIVE ORDER) COVID-19} **(THIS PETITION IS
LINKWITH WP NO.1539/2018)**

01-A PETITION FILED UNDER ARTICLE 226 AND/OR 227 OF CONSTITUTION

**2 IA No. 13100/2019 -
DOCUMENT TAKEN ON
RECORD in
WP 22290/2019**

KAMAL KHARE

JUBIN PRASAD, RAGHUVIR PRASAD PRAJAPATI

Versus

THE STATE OF MADHYA
PRADESH

ADVOCATE GENERAL, SAURABH SUNDER[R-
1][AG][R-2][AG], JAI KUMAR PILLAI[R-1][AG]
[R-2][AG]

HABEAS CORPUS-13900 - HABEAS CORPUS-13900 - HABEAS CORPUS-13900
PUBLIC SAFETY & ORDER-16300 - National Security Act 1980-16304 - National Security
Act 1980-16304

Relief - QUASH THE IMPUGNED ORDER OF DETENTION PASSED AGAINST THE
PETITIONER UNDER SECTION 3 OF THE NATIONAL SECURITY ACT 1980 DT.13/08/2019
{FIXED DATE (ADMINISTRATIVE ORDER) COVID-19} **TO DECIDE THE**

**ISSUE AS TO : "WHERE THE OFFENCE IS COMMITTED UNDER
REGULATORY ACT SUCH AS FOOD SAFETY AND STANDARDS ACT, 2006
WHICH CONTAINS PENALTY CLAUSE, UNDER NO CIRCUMSTANCES,
AN ACTION CAN BE TAKEN AGAINST A PERSON WHOSE ACTIVITIES
ARE PREJUDICIAL TO MAINTENANCE OF PUBLIC ORDER UNDER THE
NATIONAL SECURITY ACT, 1980" FOR DOCUMENT TAKEN ON RECORD
ON IA 13100/2019 FOR ADM.**

01-A PETITION FILED UNDER ARTICLE 226 AND/OR 227 OF CONSTITUTION

**Connected (3)
2.1 IA No. 2842/2020 - APP.
SEEKING INTERIM
RELEASE OF THE
PETITIONER in
WP 00717/2020**

LADURAM

JAGDISH BAHETI, SOUMYA MARU,
PUSHYAMITRA BHARGAV, MUKESH SHARMA,
HARSHWARDHAN SHARMA, DEVDEEP SINGH

WP/22290/2019 (M)

Versus

THE STATE OF MADHYA
PRADESH

ADVOCATE GENERAL, SAURABH
SHRIVASTAVA[R-3]

PUBLIC SAFETY & ORDER-16300 - National Security Act 1980-16304 - National Security
Act 1980-16304

{FIXED DATE (ADMINISTRATIVE ORDER) COVID-19} **1. ADM.AND I.R. 2.
[TO DECIDE THE ISSUE AS TO :- "A). WHETHER A DETAINEE, WHO IS
DETAINED UNDER THE NATIONAL SECURITY ACT, 1980 HAS GOT A
RIGHT TO MAKE A REPRESENTATION TO THE DISTRICT MAGISTRATE
WHO ACTS ON BEHALF OF THE STATE GOVERNMENT AS THE STATE
GOVERNMENT IS THE APPROPRIATE GOVERNMENT WITHIN THE
MEANING OF SECTION 2 (A) OF NATIONAL SECURITY ACT, 1980. B).
WHETHER THE ORDER OF DETENTION IS A NULLITY IN ABSENCE OF
SUCH A COMMUNICATION INFORMING THE DETAINEE ABOUT HIS
RIGHT OF MAKING REPRESENTATION TO THE DISTRICT
MAGISTRATE, EVEN THOUGH THE DETAINEE HAS BEEN INFORMED
BY THE DISTRICT MAGISTRATE TO MAKE A REPRESENTATION TO
THE SATE GOVERNMENT/TO THE UNION OF INDIA/ADVISORY BOARD.
C). WHETHER THE DISTRICT MAGISTRATE KEEPING IN VIEW THE
SCHEME OF THE ACT I.E. THE NATIONAL SECURITY ACT, 1980 HAS
THE POWER TO REVOKE THE ORDER OF DETENTION ONCE PASSED
BY HIM IN VIEW OF SECTION 10 AND SECTION 14 OF THE NATIONAL
SECURITY ACT, 1980."] AND IA NO.2842/2020-APP. SEEKING INTERIM**

Daily Cause List dated : 11-02-2021
BEFORE: HON'BLE THE CHIEF JUSTICE & HON'BLE SHRI JUSTICE RAJEEV KUMAR
DUBEY & HON'BLE SHRI JUSTICE VIJAY KUMAR SHUKLA

RELEASE OF THE PETITIONER

01-A PETITION FILED UNDER ARTICLE 226 AND/OR 227 OF CONSTITUTION

Linked (3)
2.2 IA No. 2835/2020 - APP.
SEEKING INTERIM
RELEASE OF THE
PETITIONER in
WP 28804/2019

MANISH

PUSHYAMITRA BHARGAV, JUHI BHARGAV,
MUKESH SHARMA, RISHI PANDIT, DEVDEEP
SINGH, HARSHWARDHAN SHARMA,
AKHILESH KUMAR TIWARI, RAHUL DIWAKER,
YASH TIWARI, SHUBHAM RAI

WP/22290/2019 (M)

Versus

THE STATE OF MADHYA
PRADESH

ADVOCATE GENERAL, SAURABH
SHRIVASTAVA[R-1][R-2][R-3][R-4][R-5]

PUBLIC SAFETY & ORDER-16300 - National Security Act 1980-16304 - National Security Act 1980-16304

{FIXED DATE (ADMINISTRATIVE ORDER) COVID-19} **1.ADM.AND I.R. 2.TO DECIDE THE ISSUE AS TO :- "A). WHETHER A DETAINEE, WHO IS DETAINED UNDER THE NATIONAL SECURITY ACT, 1980 HAS GOT A RIGHT TO MAKE A REPRESENTATION TO THE DISTRICT MAGISTRATE WHO ACTS ON BEHALF OF THE STATE GOVERNMENT AS THE STATE GOVERNMENT IS THE APPROPRIATE GOVERNMENT WITHIN THE MEANING OF SECTION 2 (A) OF NATIONAL SECURITY ACT, 1980. B). WHETHER THE ORDER OF DETENTION IS A NULLITY IN ABSENCE OF SUCH A COMMUNICATION INFORMING THE DETAINEE ABOUT HIS RIGHT OF MAKING REPRESENTATION TO THE DISTRICT MAGISTRATE, EVEN THOUGH THE DETAINEE HAS BEEN INFORMED BY THE DISTRICT MAGISTRATE TO MAKE A REPRESENTATION TO THE SATE GOVERNMENT/TO THE UNION OF INDIA/ADVISORY BOARD. C). WHETHER THE DISTRICT MAGISTRATE KEEPING IN VIEW THE SCHEME OF THE ACT I.E. THE NATIONAL SECURITY ACT, 1980 HAS THE POWER TO REVOKE THE ORDER OF DETENTION ONCE PASSED BY HIM IN VIEW OF SECTION 10 AND SECTION 14 OF THE NATIONAL SECURITY ACT, 1980."** AND IA NO.2835/2020-APP. SEEKING INTERIM **RELEASE OF THE PETITIONER**

01-A PETITION FILED UNDER ARTICLE 226 AND/OR 227 OF CONSTITUTION

TOTAL CASES : 10 (with connected matters)

PR (J) / R (J-I) / R(J-II)