

Smt. Archana Rathore And Ors. vs State Of Madhya Pradesh And Ors. on 26 September, 2018

Equivalent citations: AIRONLINE 2018 SC 758, (2018) 14 SCALE 472, (2018) 4 SCT 521, (2019) 6 SERVLR 95

Author: Kurian Joseph

Bench: Sanjay Kishan Kaul, Kurian Joseph

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(S). 10008/2018
(ARISING FROM SLP(C) No(s).7618/2015)

ARCHANA RATHORE AND ORS.

VERSUS

STATE OF MADHYA PRADESH AND ORS.

WITH
CIVIL APPEAL NO(S). 10009/2018
(ARISING FROM SLP(C) No(s).6967/2015)

J U D G M E N T

KURIAN, J.

Heard learned counsel for the parties.

2. Leave granted.

3. The basis of challenge in both these appeals is an amendment introduced by the State of Madhya Pradesh in M.P. Education Service (School Branch) Recruitment and Promotion Rules, 1982. The validity of the amendment has been upheld by the High Court as per the impugned order(s). During the pendency of these appeals before this Court, it is brought to our notice that the State has introduced two more amendments, one in the year 2016 and the other in the Reason: year 2018. We are also informed that the challenge to the 2016 Amendment is pending before the High Court. Therefore, the emerging position is that even if these appeals are allowed, the appellants are not going to get any benefit since the subsequent amendments will still stand in their way. However, the

learned counsel submit that they will not be in a position to successfully challenge the amendments, unless the basis of the impugned order(s) is also permitted to be attacked in the new challenge that they propose to make in 2016-2018 Rules.

4. Learned counsel appearing for the respondents submit that it will be open to the appellants to take all available contentions including the contentions with regard to the amendment process as such and the impugned order(s) may not stand in the way of such contentions being taken under the new challenge.

5. Therefore, these appeals are disposed of with liberty to the appellants to take all available contentions before the High Court. The High Court will consider the challenge on their own merits, uninfluenced by any of the observations and findings in the impugned orders.

6. In case any of the teachers has suffered on account of pendency of these appeals and are not in a position to participate in any competitive examination on account of age bar, it will be open to them to apply for relaxation in age, in case they are otherwise eligible to participate.

7. Pending applications, if any, shall stand disposed of.

8. There shall be no orders as to costs.

.....J. [KURIAN JOSEPH]J. [SANJAY KISHAN KAUL] NEW DELHI;

SEPTEMBER 26, 2018.