

P 4 / 16

क० / 4 / जेवीपी / लीगल / 2016

विषय:- न्यायालयीन प्रकरण डब्ल्यू. पी. क्रमांक 1456/2016 श्रीमती सुमन कौल, सहायक मलेरिया अधिकारी, जिला-जबलपुर, विरुद्ध मध्यप्रदेश शासन एवं अन्य में प्रभारी अधिकारी की नियुक्ति किये जाने बाबत ।

श्रीमती सुमन कौल, सहायक मलेरिया अधिकारी, जिला-जबलपुर, ने माननीय उच्च न्यायालय जबलपुर में सहायक मलेरिया अधिकारी के प्रमोशन के संबंध में याचिका दायर की है। विषयांकित न्यायालय प्रकरण, में म.प्र. शासन सचिव, भोपाल, / आयुक्त स्वास्थ्य, / सचिव पीएससी इंदौर / मुख्य चिकित्सा एवं स्वास्थ्य अधिकारी, जबलपुर, को प्रतिवादी बनाया गया है। प्रकरण जबलपुर जिले से संबंधित है ।

माननीय न्यायालय द्वारा प्रकरण की सुनवाई दिनांक 14/3/2016 को नियत थी, / है। जिसमें शासन पक्ष की ओर से प्रतिरक्षण किये जाने एवं वादोत्तर समय-सीमा में प्रस्तुत किये जाने हेतु उप संचालक (अविज्ञप्त) स्थानीय कार्यालय, को प्रभारी अधिकारी नियुक्त किया जाना प्रस्तावित है।

3-3-16
प्रभारी अधीक्षक(लीगल)

DD (Legal) - M.A.

अधोदण्ड के अधीन की लब्ध प्रतिमा में
दस्तावेजों में दस्तावेज प्रस्तुत है तदुपरांत नही प्रतिक्षण दे
विधि विभाग को उक्ति करना चाहेंगे।

DD (Legal) - M.A.

Director (Legal)

विपिन कुमार

आवक सं० M11-12, दि० 10/03/16

19/3/16
संचालक
स्वास्थ्य सेवाएं
मध्यप्रदेश

क० / 4 / जेवीपी / लीगल / 2016

विषय:- न्यायालयीन प्रकरण डब्ल्यू. पी. क्रमांक 1456/2016 श्रीमती सुमन कौल, सहायक मलेरिया अधिकारी, जिला-जबलपुर, विरुद्ध मध्यप्रदेश शासन एवं अन्य में प्रभारी अधिकारी की नियुक्ति किये जाने बाबत ।

IN THE HIGH COURT OF MADHYA PRADESH AT JABALPUR

Process Id: 18113/2016

WP/1459/2016

FOR ADM AND IR
Fixed for 14-03-2016
WP-DA-8
Respondent No. 2

From

Kishore Pithawe
Deputy Registrar,
High Court of Judicature
at Jabalpur

To,

Commissioner Public Health And Family Welfare
Department, Satpura Bhawan,
District- Bhopal (MADHYA PRADESH),

Jabalpur 02-02-2016

Sub: Notice to Respondent No. 2 in writ Petition (Mandamus/Prohibition/ Certiorari/Quo Warranto) No.
WP/ 1459/ 2016

Sir/Madam,

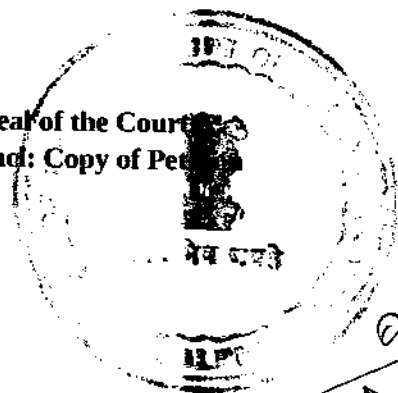
I am directed to inform you that one **Smt. Suman Kol** has filed a petition under Article 226 of the Constitution of India (Copy enclosed) in this Court, and the same is registered as Writ Petition (Mandamus/ Prohibition/ Certiorari/ Quo Warranto) No. **WP/1459/2016**

Take notice that you are required to submit a return personally or through a duly engaged Advocate on or before **14-03-2016**. If no return is filed as aforesaid, the petition will be heard and decided ex parte.

(Seal of the Court)
Enc: Copy of Pet

Your faithfully

[Signature]
DEPUTY REGISTRAR



[Handwritten signature]

IN THE HIGH COURT OF MADHYA PRADESH,

PRINCIPAL SEAT AT JABALPUR

Writ Petition No: 1459/2016 (S)

PETITIONER :

Smt. Suman Kol
Wife of Purshottam Kol
Age about 51 years,
Assistant Malaria Officer,
R/o Ghana, Sonpur Road,
Behind Durga Mandir,
Post- Khamaria, Jabalpur (M.P).

VERSUS

RESPONDENTS:

1. State of Madhya Pradesh,
Through - Secretary,
Public Health & Family Welfare Department
Mantralaya, Vallabh Bhawan,
Bhopal (MP).
2. Commissioner,
Public Health & Family Welfare
Department, Satpuda Bhavan
Bhopal (MP).
3. The Secretary
Madhya Pradesh,
Public Service Commission,
Residency Area, Indore (M.P.)
4. Chief Medical & Health Officer,
District - Jabalpur (MP).

**WRIT PETITION UNDER ARTICLE 226 OF THE
CONSTITUTION OF INDIA**

**PARTICULARS OF THE CAUSE / ORDER AGAINST WHICH
THE PETITION IS MADE:**

Date of Order : 28.12.2015 (Annexure-P- 7)
Passed in : No.246/08/2015/CHAYAN)
Passed by : Madhya Pradesh, Public Service
Commission (Respondent No.3)

Subject Matter In Brief:

By way of this petition, the petitioner is challenging the validity of impugned Selection List dated 28.12.2015 whereby the respondent No.3 has notified the names of candidates selected for making appointment by direct recruitment for filling up 42 vacant posts of District Malaria Officer in Public Health and Family Welfare Department.

That, total Number of posts of District Malaria Officer/Biologist/Assistant Entomologist (Malaria - Falaria) as indicated against S.No.13 of Schedule-I Group-B Non Medical of Rules, 2007 is 45. Rule 6 read with Schedule -II Group - B Non - Medical confers power on the Government to make appointment on 25% posts by direct recruitment and 75% posts, by promotion from the feeder cadre post of Assistant Malaria Officer (Class III Service).



HIGH COURT OF MADHYA PRADESH

ORDER SHEET

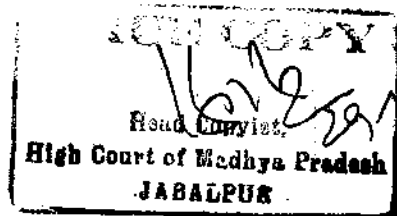
CASE NO.201.....

Vs.....

DATE OF THE ORDER	ORDER
<u>27.01.2016</u>	<p><u>WP.No.1459/2016</u></p> <p>Shri SK. Dwivedi, learned counsel for the petitioner.</p> <p>Heard on the question of admission.</p> <p>Issue notice to the respondents on payment of P.F. within a week.</p> <p>By way of interim order it is directed that any appointment made on the post of District Malaria Officer in Public Health & Family Welfare Department in pursuance to the impugned selection list dated 28/12/15 shall be subject to result of the petition.</p> <p>C.c. as per rules.</p>

8/1

(Shantanu Kemkar)
JUDGE



**IN THE HIGH COURT OF MADHYA PRADESH,
PRINCIPAL SEAT AT JABALPUR**

Writ Petition No: 1459/2016 (S)

PETITIONER : Smt. Suman Kol

VERSUS

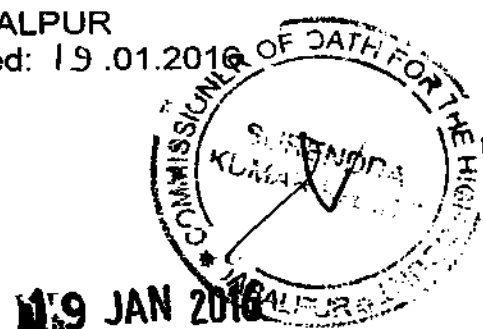
RESPONDENTS : State of MP and Others

INDEX

S No	Description of the Document	Annexure	Page No.
1	Index		01
2	Chronological events		02
3	Writ petition along with affidavit		03 - 14
4	List of documents		15
5	Copy of Appointment Order dt, 14.03.1988	P-1	16-17
6	Copy of Recruitment Rules, 1989	P-2	18-47
7	Copy of Promotion Order dt. 27.09.2013	P-3	48-49
8	Copy of Recruitment Rules, 2007	P-4	50-72
9	Copy of Advertisement dt, 31.12.2012	P-5	73-75
10	Copy of representations dated 24.12.2013 & 09.09.2014	P-6	76-77
11	Copy of Impugned Selection List dated 28.12.2015	P-7	78-81
12	Copy of Seniority List dt 02.12.2015	P-8	82-83
13	Vakalatnama		84

JABALPUR

Dated: 19.01.2016



19 JAN 2016

S.K. Dwivedi
(S K Dwivedi)
Counsel for Petitioner

**IN THE HIGH COURT OF MADHYA PRADESH,
PRINCIPAL SEAT AT JABALPUR**

Writ Petition No: 1459/2016 (S)

PETITIONER : Smt. Suman Kol

VERSUS

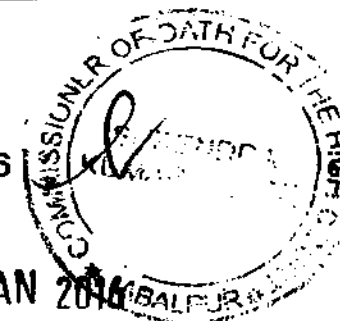
RESPONDENTS : State of MP and Others

CHRONOLOGY OF EVENTS

S No	Date	Event
1	14.03.88	The petitioner was appointed to the post of Multi Purpose Worker (Female). She has served in various offices under the administrative control of respondent authorities.
2	27.03.08	By Notification No.F.I-85-2005-XVII-Med-I the Governor of Madhya Pradesh framed M.P. Public Health & Family Welfare (Gazetted) Service Recruitment Rules, 2007. The Number of posts of District Malaria Officer as indicated against S. No. 13 of Schedule - I Group -B Non Medical is 45. Schedule - II Group - B Non Medical specify that 25% post of District Malaria Officer is to be filled by direct recruitment and 75% by promotion. 25% of posts works out to 11 meaning thereby Government is empowered to make appointment by direct recruitment on 11 posts. (Annexure P-4)
3	31.12.12	Madhya Pradesh Public Service Commission issued an advertisement for filling up 42 vacant posts of District Malaria Officer in Public Health & Family Welfare Department. (Annexure P-5)
4	27.09.13	Petitioner has been promoted to the post of Assistant District Malaria Officer, (Annexure P-3)
5	24.12.13 09.09.14	Petitioner made representations to the respondent authorities (Annexure P-6)
6.	28.12.15	M.P. Public Service Commission issued impugned Selection List of 42 candidates for making appointment to the post of District Malaria Officer which is in excess of 25%. (Annexure P-7)
7	.01.16	Writ Petition is being filed before this Hon'ble Court.

JABALPUR

Dated: 19.01.2016



19 JAN 2016

S.K. Dwivedi
(S.K. Dwivedi)
Counsel for Petitioner

IN THE HIGH COURT OF MADHYA PRADESH,

PRINCIPAL SEAT AT JABALPUR

Writ Petition No: 1459/2016 (S)

PETITIONER : Smt. Suman Kol
Wife of Purshottam Kol
Age about 51 years,
Assistant Malaria Officer,
R/o Ghana, Sonpur Road,
Behind Durga Mandir,
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VERSUS

RESPONDENTS:

1. State of Madhya Pradesh,
Through - Secretary,
Public Health & Family Welfare Department
Mantralaya, Vallabh Bhawan,
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2. Commissioner,
Public Health & Family Welfare
Department, Satpuda Bhavan
Bhopal (MP).
3. The Secretary
Madhya Pradesh,
Public Service Commission,
Residency Area, Indore (M.P.)
4. Chief Medical & Health Officer,
District - Jabalpur (MP).

**WRIT PETITION UNDER ARTICLE 226 OF THE
CONSTITUTION OF INDIA**

**1. PARTICULARS OF THE CAUSE / ORDER AGAINST WHICH
THE PETITION IS MADE:**

(i) Date of Order : 28.12.2015 (Annexure-P- 7)
(ii) Passed in : No.246/08/2015/CHAYAN)
(iii) Passed by : Madhya Pradesh, Public Service
Commission (Respondent No.3)

(iv) Subject Matter in Brief:

By way of this petition, the petitioner is challenging the validity of impugned Selection List dated 28.12.2015 whereby the respondent No.3 has notified the names of candidates selected for making appointment by direct recruitment for filling up 42 vacant posts of District Malaria Officer in Public Health and Family Welfare Department.

That, total Number of posts of District Malaria Officer/Biologist/Assistant Entomologist (Malaria - Falaria) as indicated against S.No.13 of Schedule-I Group-B Non Medical of Rules, 2007 is 45. Rule 6 read with Schedule -II Group - B Non - Medical confers power on the Government to make appointment on 25% posts by direct recruitment and 75% posts, by promotion from the feeder cadre post of Assistant Malaria Officer (Class III Service).



19 JAN 2016

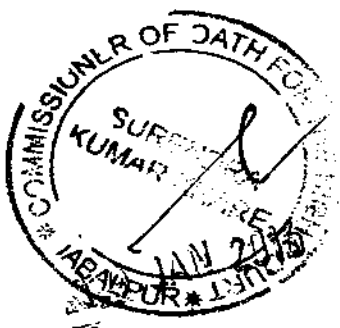


Thus, Rule 6, clearly demarcates the limit of exercise of power by Government to make appointment to the service. Meaning thereby, 11 Posts are to be filled by direct recruitment and 34 posts by promotion. (**Annexure P-4**).

The grievance of the petitioner is that, the respondent No.3 vide impugned Selection List has selected and notified the names of 42 candidates for making appointment by direct recruitment which is in excess of percentage prescribed under Rule 6. The respondents authorities has, thus exceeded its jurisdiction. The impugned action is, therefore, void and ultra vires of the powers conferred under rule 6 read with Schedule -II Group-B Non Medical of Rules 2007. Hence deserves to be quashed at the threshold in the interest of justice. Hence this writ petition before this Hon'ble Court.

2. **A declaration that no proceeding on the same subject matter has been previously instituted in any Court, Authority or Tribunal.**

That the petitioner further declares that no proceedings on the same subject matter has been previously instituted in any court, Authority, or Tribunal.



3. **DETAILS OF REMEDIES EXHAUSTED:**

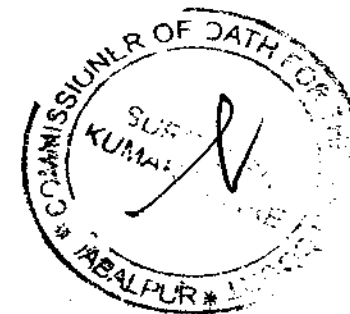
The petitioner declares that he has availed of the remedies available to him under rules. Now no other efficacious remedy is available except to approach this Hon'ble Court.

4. **DELAY IF ANY, IN FILING THE PETITION AND EXPLANATION THERE FOR:**

That the petitioner further declares that there is no delay in filing the present petition before this Hon'ble Court.

5. **FACTS OF THE CASE:**

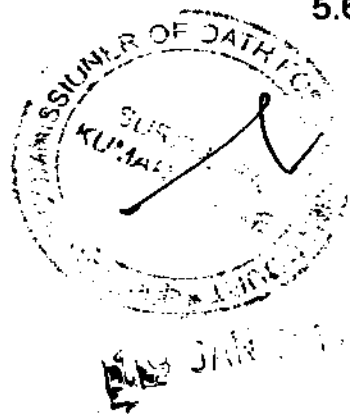
- 5.1 That, the petitioner is a citizen of India. She belongs to Schedule Tribe Community. .
- 5.2 That, the petitioner joined the department on 15.03.1988. Her initial appointment in the department is on the post of Multi – purpose Worker (Female). Copy of appointment order dated 14.03.1988 is filed as **Annexure P-1**.
- 5.3 That, the petitioner further most humbly submits that her service conditions are presently governed by the Madhya Pradesh Public Health and Family Welfare Department Non-Ministerial (related to the Directorate of Health Services) Class – III Service Recruitment Rules, 1989 as amended from time to time. (Here in after referred to as Rules, 1989). Copy of Rules is filed as **Annexure P-2**.



5.4 That, the petitioner humbly submits that during the course of service, she has earned promotion to the post of Lady Health Visitor and Malaria Inspector. And in the recent past, vide order dated 27.09.2013, she has been promoted to the post of Assistant Malaria Officer. Copy of promotion order dated 27.09.2013 is filed as Annexure P-3. And on promotion the petitioner has been posted to the office of the respondent No. 4. Her entire service career is unblemished.

5.5 That, here it is pertinent to submit that in exercise of powers conferred by the proviso to Article 309 of the Constitution of India, the Governor of Madhya Pradesh with a view to regulate the recruitment and service conditions of the Members of the Madhya Pradesh Public Health and Family Welfare (Gazetted Service) has framed the M.P. Public Health and Family Welfare (Gazetted) Service Recruitment Rules, 2007. (Here in after referred to as Rules, 2007). Copy of Rules, 2007 is filed as Annexure P-4.

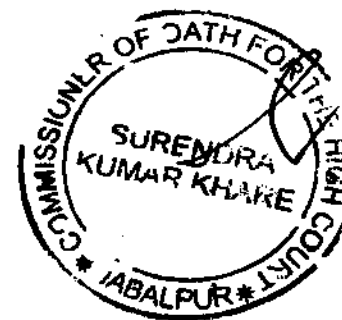
5.6 That, Schedule-I of Rules, 2007 classify the service into three categories viz; Group A- Medical. Group B- Non Medical and Group C- Nursing Service. The post of District Malaria Officer is included in Group-B Non Medical Service at S.No.13. Total Number of posts of District Malaria Officer is 45. Further it is



clearly specified in Schedule-II Group – B Non Medical at S.No.13, that, 25% posts of District Malaria Officer are to be filled by direct recruitment and 75% by promotion. 25% of 45 comes to 11, meaning thereby that only 11 posts are to be filled in by direct recruitment and 34 posts by promotion. Appointment to the service or post is to be made by the Government.

5.7 That, a perusal of S.No.09 of Schedule –IV Group-B Non Medical reveals the fact that the post of Assistant Malaria Officer (Class-III) is included in the feeder cadre for making promotion to the post of District Malaria Officer/ Biologist/Assistant Entomologist (Malaria- Falaria). Since the petitioner is presently working on the post of Assistant Malaria Officer, she has legitimate expectation that on fulfillment of eligibility criteria, her case along with similarly situated employees shall be considered for promotion to the post of District Malaria ^{officer} in near future.

5.8 That, the petitioner further most humbly submits that the Madhya Pradesh Public Service Commission issued an advertisement No. 03/Chayan/2012 dated 31.12.2012 for making recruitment to 42 vacant posts of District Malaria Officer in the Public Health and Family Welfare Department.

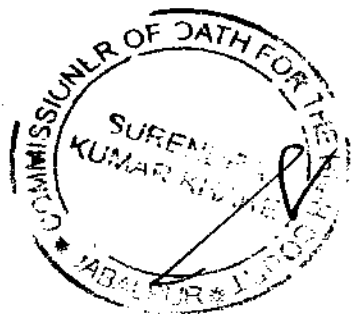


19 JAN 2016

Copy of an advertisement dated 31.12.2012 is filed and marked as Annexure P- 5. The post advertised for making direct recruitment is in excess of 25% of total number of posts specified in Schedule II Group-B Non Medical (S.No.13) of Rules, 2007.

5.9 That, being aggrieved by the above mentioned act, the petitioner made a couple of representations to the respondent authorities, submitting that the process of making direct recruitment in excess of prescribed percentage is not only violative of the Rules, 2007 but also prejudicial to the interest of Assistant Malaria Officer. It also amounts to harassment to the employees as the promotional avenues of eligible employees shall be blocked completely in future, But this did not yield any fruitful result. Copies of representation dated 24.12.2013 and 09.09.2014 are collectively filed as Annexure P-6.

5.10 That, the respondent No 3, has issued a Selection List notifying the names of 42 candidates for making appointment to the post of District Malaria Officer vide No. 246/08/2015/Chayan dated 28.12.2015. Copy of Selection List is filed and marked as Annexure P-7.

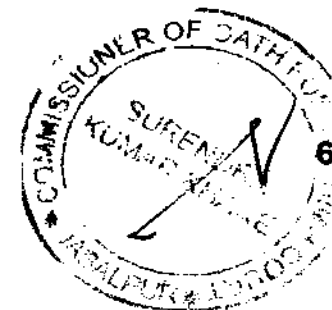


19 JAN 2016

5.11 That, Seniority List showing position as on 01.04.2015 clearly indicates that there are seven District Malaria Officers /Biologist/Assistant Entomologist (Malaria-Falaria) presently working in the department. Out of seven, three posts are shown filled by direct recruitment, three posts by promotion and one by making appointment on compassionate ground. Copy of Seniority List is filed as Annexure P- 8.

5.12 That, Seniority List clearly indicates that seven posts (11 minus 04) of District Malaria Officer are available for making appointment by direct recruitment. And, 31 posts (34 minus 03) are to be filled by promotion.

5.13 That, action vide impugned Selection list dated 28.12.2015 is void and ultra vires of the powers conferred under rule 6 read with Schedule II Group-B Non Medical of the Rules 2007, hence liable to be quashed at the threshold in the interest of justice



19 JAN 2016

Grounds Urged:

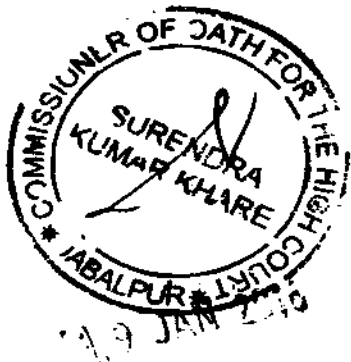
6.1 Because, Schedule II Group - B Non Medical (S.No.13) of Rules,2007 specify that 25% posts of District Malaria Officer is to be filled in by Direct Recruitment and 75% by

promotion. Meaning thereby there is an express limit on exercise of power of Government to make appointment to the service by direct recruitment and by promotion.

6.2 Because, Schedule II lays down the policy and prescribes the manner and method in which an enactment is intended to be carried out. Schedule II appended to rules forms part of the statute, and thus, has the force of law. The act of making selection being inconsistent with the provisions contained in Schedule II, renders the entire selection proceedings null and void.

6.3 Because, total Number of posts of District Malaria Officer is 45. Thus the Government is empowered to make appointment by direct recruitment on 11 posts only. 34 posts are to be filled up by promotion from the feeder cadre of Assistant Malaria Officer (Class III service) as specified in Schedule-IV Group-B Non Medical of Rules 2007.

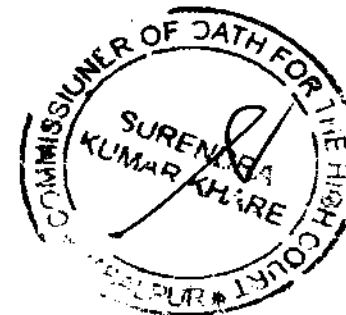
6.4 Because, an advertisement vide Annexure P- 5 issued for making direct recruitment of 42 vacant post of District Malaria Officer in Public Health & Family Welfare Department is in excess of 25% of the post specified in Schedule II Group - B Non Medical, Rules 2007, hence void ab initio, and is liable to be quashed in the interest of justice.



6.5 Because, in view of Seniority List of District Malaria Officer, only seven posts are available for making appointment by direct recruitment and not 42. While making recruitment, the Government has transgressed on the field which is exclusively meant for making appointment by promotion from the post of Assistant Malaria Officer (Class III service).

6.6 Because, the impugned action of the respondent No 3 vide Annexure P- 7 is arbitrary and discriminatory as it denied and blocked prospects of further departmental promotion of the petitioner and other similarly situated employees. Hence, liable to be quashed in the interest of justice.

6.7 Because, impugned action vide Annexure P-7 of the respondent No.3 is ultra vires since, it exceeded the powers conferred by Rule 6, Schedule II Group-B Non Medical and Rule 14, Schedule IV Group-B Non Medical of Rules 2007. It is also void as being violative of Article 14 and 16 of the Constitution of India, hence, nullity in law and deserves to be quashed in the interest of justice.



19 JAN 2012

7. Relief(s) prayed for:

In view of the above facts and circumstances, this Hon'ble Court may kindly be pleased to:

- (i) to call for the records of the case for its kind perusal and to quash the entire proceedings of recruitment to the post of District Malaria Officer;
- (ii) to quash impugned Selection List dated 28.12.2015 vide Annexure P-7 being inconsistent with the rule 6; and
- (iii) Any other relief which this Hon'ble Court deems fit and proper under the facts and circumstances of the case may also be awarded along with cost of litigation.

8. Interim Order / Writ, if prayed for:

During the pendency of this writ petition, this Hon'ble Court may kindly be pleased to stay the effect and operation of the impugned Selection List dated 28.12.2015 vide Annexure P-7 in the interest of justice.

9. Documents relied on but not in possession of the petitioner:

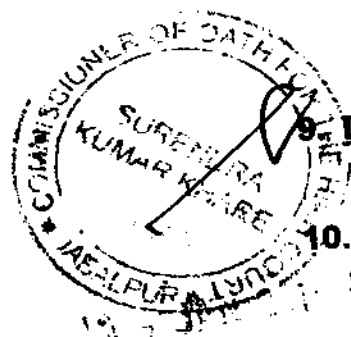
Nil.

10. CAVEAT: That, no notice of lodging caveat by the opposite party is received.

An affidavit is filed in support of Writ petition.

JABALPUR
Dated: 19.01.2016.

S.K. Dwivedi
(S. K. Dwivedi)
Counsel for Petitioner



IN THE HIGH COURT OF MADHYA PRADESH, PRINCIPAL SEAT AT JABALPUR

Writ Petition No. 1459/2016(S)

PETITIONER : Smt. Suman Kol

VERSUS

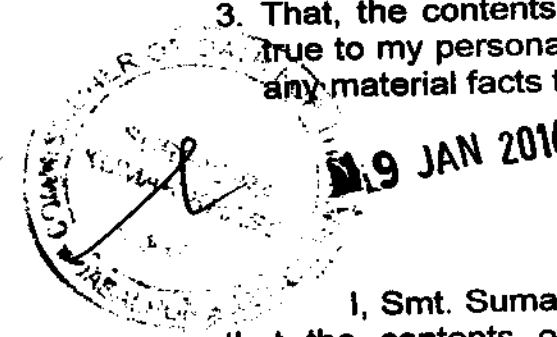
RESPONDENTS : State of MP and Others

AFFIDAVIT

I, Smt Suman Kol W/o Shri Purshottam Kol aged about 51 years, resident of Ghana Sonpur Road, Behind Durga Mandir, Post Khamaria, Jabalpur (MP), do hereby solemnly affirm on oath as under:

1. That, I am the petitioner in the instant Writ petition and well conversant with the facts and circumstances of the case.
2. That, the annexed Writ petition under Article 226 has been drafted as per my instructions. I have gone through the same and understand the contents thereof.
3. That, the contents in Para 1 to 10 of the annexed Writ petition are true to my personal knowledge and belief and I have not suppressed any material facts therein.

Smt. Suman Kol
Deponent



VERIFICATION

I, Smt. Suman Kol, the above named deponent do hereby verify that the contents of Para 1 to 3 above are true to my personal knowledge.

Verified and signed on this 19 JAN 2016 day of January 2016 at Jabalpur

Smt. Suman Kol
Deponent

Sworn before me on 19 JAN 2016
by Shri. *Smt. Suman Kol*
S/o Shri. *Purshottam Kol*
who is personally known to me and has been
Signature of *Smt. Suman Kol*
Signature of *S.K. Dwivedi*
Signature of *Surendra Kumar Khate*
Identified by me
Signature of *S.K. Dwivedi*
Signature of *Surendra Kumar Khate*
(Surendra Kumar Khate)
Commissioner of Oath
For the High Court
(JABALPUR)

संचालनालय स्वास्थ्य सेवायें

मध्य प्रदेश

क्रमांक/4/लीगल/जेवीपी/2016/ पंजी 4/6/111

मोपाल, दिनांक: 16/03/2016

आदेश

सिविल प्रक्रिया संहिता (1908) अधिनियम संख्या -5 के आदेश के सत्ताईस के नियम 1 तथा 2 के अधीन शक्तियों को प्रयोग में करते हुए उप संचालक (अविज्ञप्त) स्थानीय कार्यालय, को उच्च न्यायालय जबलपुर में दायर याचिका न्यायालयीन डब्ल्यू.पी. प्रकरण 1456/2016 श्रीमती सुमन कौल, सहायक मलेरिया अधिकारी, जिला-जबलपुर, विरुद्ध म.प्र. शासन एवं अन्य में म.प्र.राज्य तथा उसकी ओर से प्रभारी अधिकारी के रूप में अभिकथनों पर हस्ताक्षर करने और उन्हें सत्यापित करने के लिये तथा कार्य करने के लिये तथा कार्य करने आवेदन करने उपस्थित होने के लिए नियुक्त करते हैं। प्रभारी अधिकारी को यह आदेश दिया जाता है कि म.प्र.विधि और विधायी कार्य विभाग, नियमावली में वर्णित कर्तव्यों तथा उत्तरदायित्वों के अतिरिक्त वह अपनी नियुक्ति के तुरन्त पश्चात् अन्य शर्तों के साथ ऐसी रीति में जिसके ब्यूरो नीचे दिये हैं, निम्न लिखित कार्य करेगा :-

1. प्रभारी अधिकारी, मामले के तथ्यों के बारे में तुरन्त ऐसी जाँच करेगा जैसे कि आवश्यक हो और याचिका में उठाए गए समस्त बिन्दुओं का पैरा अनुसार उत्तर देते हुए और ऐसी अतिरिक्त जानकारी देते हुए, और ऐसी अतिरिक्त जानकारी देते हुए, जिससे कि मामले के संदर्भ में महाधिवक्ता/शासकीय अभिमर्शक को सहायता पहुचाने को संभालना है रिपोर्ट तैयार करेगा। यदि किसी प्रक्रिया पर विधि विभाग से परामर्श लिया गया था तो उस विभाग को राय भी रिपोर्ट में विनिष्ट रूप से निर्दिष्ट की जाए।
2. समस्त सुसंगत फाईल, दस्तावेज, नियम, अधिसूचना तथा आदेश आदि एकत्र करेगा।
3. वादपत्र/याचिका में उठाए गए समस्त बिन्दुओं को पैरा अनुसार उत्तर देते हुए जिससे कि शासकीय अधिवक्ता को सहायता पहुचाने की सम्भावना है, ऐसी अतिरिक्त जानकारी देते हुए एक रिपोर्ट तैयार करेगा।
4. उक्त रिपोर्ट तथा सामग्री के साथ शासकीय अधिवक्ता के संपर्क करेगा।
5. शासकीय अधिवक्ता की सहायता से लिखित कथन/उत्तर तैयार करायेगा।
6. प्रभारी अधिकारी निम्नलिखित कागज पत्र भेजेगा :-
(क) वादपत्र की एक प्रति के साथ सरकार की एक रिपोर्ट।
(ख) प्रस्तावित लिखित कथन का एक प्रारूप
(ग) उन सभी दस्तावेजों की एक सूची जिन्हें साक्ष्य स्वरूप फाईल करना प्रस्तावित है और जिनको प्रस्तुत रिपोर्ट में अपेक्षा की गई।
(घ) मामले के विशुद्धिकरण के लिए आवश्यक कागज पत्रों का प्रतियों जिसमें वाद सुनवाई की तारीख भी शामिल होनी चाहिए।

क्रमशः (2)

-2-

7. मामले की तैयारी और संचालन करने में शासकीय अधिवक्ता का सहयोग करना और मामले, उसके प्रक्रम और प्रगति में नियत किए गए कर्तव्यों से स्वयं को सदैव ही अवगत करना।
8. जब भी कोई आदेश/निर्णय विशिष्टतया मध्य प्रदेश राज्य के विरुद्ध पारित किया जाता है जब विधि विभाग को सूचित करना तथा उसकी प्रमाणित प्रति प्राप्त करने के लिए उसी दिन या आगामी कार्य दिवस को आवेदन करना।
9. अपनी रिपोर्ट के साथ आदेश/निर्णय की प्रमाणित प्रति तथा शासकीय अधिवक्ता की राय अगली कार्यवाही किए जाने के लिए विभाग को भेजेगी।
10. यह देखना कि आवेदन करने में तथा प्रमाणित प्रतियों प्राप्त करने रिपोर्ट बनाने राय प्राप्त करने और उनकी सूचना देने में समय नष्ट नहीं हो।
11. जैसे हो उसके अपना स्थानांतरित आदेश प्राप्त होता है यह अर्धशासकीय पत्र के माध्यम से तत्काल जानकारी देगा। यह वर्तमान पद का भार सौंपे देने के पश्चात भी तब तक प्रभारी अधिकारी बना रहेगा, जब तक कि अन्य प्रभारी अधिकारी नियुक्त नहीं कर दिया जाए।
12. प्रभारी अधिकारी, मामले तैयार करने में शासकीय अधिवक्ता की हर समय सहयोग देगा तथा इस बात के लिए उत्तरदायी होगा कि कोई महत्वपूर्ण तथ्य को दस्तावेज अप्रति/छुपी हुई ना रह जाये।
13. प्रभारी अधिकारी कार्यदि लोग अभियोजन मुर्करर है तो जैसे ही वाद का विनिश्चय होता, परिवत्र की रिपोर्ट विभागाध्यक्ष के माध्यम से सरकार करेगा। निर्णय की एक प्रति भी प्राप्त की जाए और रिपोर्ट के साथ भेजी जाए।
14. प्रभारी अधिकारी यदि लोक अभियोजन मुर्करर है तो यह बात के लिए उत्तरदायी होगा कि उन मामलों में जहाँ किसी वाद के कम में पारित किए गए किसी अतिरिम आदेश का पुनरीक्षण अप्रेषित है, समय पर कार्यवाही की गई है। अतः एवं वह इस आदेश की प्रति जैसे ही वह पारित किए जाए, विभागाध्यक्ष के माध्यम से अपनी अनुशंसा के साथ सरकार (प्रशासकीय) विभाग को प्रेषित करे।

मध्य प्रदेश के राज्यपाल के नाम से तथा

आदेशानुसार

कृते / सचिव

मध्य प्रदेश शासन

लोक स्वास्थ्य एवं परिवार कल्याण विभाग

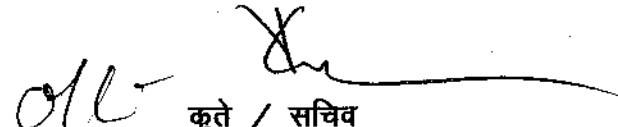
क्रमशः (3)

क्रमांक/4/लीगल/जेवीपी/2016/पंजी/4/2

भोपाल, दिनांक/04/03/2016

प्रतिलिपि:- सूचनार्थ एवं आवश्यक कार्यवाही हेतु :-

- 1- महाधिवक्ता कार्यालय, उच्च न्यायालय जबलपुर, (म.प्र.)
- 2- संभागीय संयुक्त संचालक, स्वास्थ्य सेवायें, जबलपुर सम्भाग जबलपुर, म0प्र0।
- 3- मुख्य चिकित्सा एवं स्वास्थ्य अधिकारी,
- 4- प्रभारी अधिकारी- उप संचालक (अविज्ञप्त) स्थानीय कार्यालय, म.प्र. की ओर शासकीय अधिवक्ता से संपर्क करने, उपस्थिति प्रकरण पत्र प्रगति रिपोर्ट प्राप्त करने तथा अपनी प्रत्येक भेट पर शासकीय अधिवक्ता से आगे की कार्यवाही के लिए सलाह करने और मामले में अपनी प्रगति रिपोर्ट के साथ विभागाध्यक्ष को भेजने हेतु अग्रेषित। मामले के प्रगति की प्रति विभाग के साथ साथ विधि विभाग को सदैव ही भेजने चाहिए। आवेदन प्रति इस विभाग को आवश्यक रूप से भेजी जाये। मामले का सुनवाई दिनांक 14/03/2016 को उच्च न्यायालय जबलपुर में नियत थी/ है।


कृते / सचिव
मध्य प्रदेश शासन

लोक स्वास्थ्य एवं परिवार कल्याण विभाग