

MOST URGENT

ITEM NO.50+51+52

COURT NO.9

SECTION X

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Writ Petition(s)(Civil) No(s). 1380/2023

MONIKA YADAV & ORS.

Petitioner(s)

VERSUS

HIGH COURT OF MADHYA PRADESH & ANR.

Respondent(s)

(FOR ADMISSION and IA No.255624/2023-EXEMPTION FROM FILING O.T. and
IA No.255623/2023-APPROPRIATE ORDERS/DIRECTIONS)

with

SLP (C) No. 27337 of 2023

(exemption from filing c/c of the impugned Judgment and exemption
from filing OT and permission to file additional documents/facts/
annexures)

with

W.P. (C) No. 1398 of 2023

(for admission and grant of interim relief and exemption from
filing OT)

Date : 15-12-2023 These petitions were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE J.K. MAHESHWARI
HON'BLE MR. JUSTICE K.V. VISWANATHAN

For Petitioner(s) Mr. S. K. Gangele, Sr. Adv.
Ms. Priya Sharma, Adv.
Mr. Prathvi Raj Chauhan, Adv.
Mr. Alok Singh, Adv.
Mr. Ankit Borker, Adv.
Mr. Vinay Kumar Aherodia, Adv.
Mr. Sumit Pachkhande, Adv.
Ms. Shashi Kiran, AOR

Mr. Raju Ramachandran, Sr. Adv.
Mr. Gaurav Agrawal, Adv.
Mr. Siddhartha Iyer, AOR
Mr. Utkarsh Sonkar, Adv.
Mr. Mukunda Mamidipudi, Adv.

Mr. Varun Thakur, Adv.
Mr. Ramkaran, Adv.
Mr. Shraddha Saran, Adv.

Ms. Varun Thakur & Associates

For Respondent(s) Dr. S. Murlidhar, Sr. Adv.
Mr. Arjun Garg, Adv.
Mr. Aakash Nandolia, Adv.
Ms. Sagun Srivastava, Adv.

UPON hearing the counsel the Court made the following
O R D E R

W.P. (C) No. 1380/2023 and W.P. (C) No. 1398 of 2023

The Writ Petitions are disposed of as withdrawn in terms of the signed order.

Pending interlocutory application(s), if any, is/are disposed of.

SLP (C) No. 27337 of 2023

We have heard Sh. N. K. Mody, Sh. S. K. Gangele and Mr. Raju Ramachandran, learned senior counsel appearing for the petitioners and Mr. Saurabh Mishra, learned Additional Advocate General appearing for the State as well as Dr. S. Murlidhar, learned senior counsel and Mr. Arjun Garg, learned counsel appearing for the High Court of Madhya Pradesh.

Yesterday i.e. on 14.12.2023, we have issued notice to the State Government as well as to the High Court, requesting the Registrar General to represent in the case.

Today, Dr. S. Murlidhar, learned senior counsel appearing on behalf of the High Court, on instructions, has stated that the High Court shall allow all the candidates to participate for Civil Judge, Jr. Division (Entry Level) Recruitment Examination – 2022 in furtherance to the Advertisement dated 17.11.2023, who possess the eligibility as per the Madhya Pradesh Judicial Service (Recruitment and Conditions of Service) Rules, 1994, as stood prior to the date of amendment i.e. 23.06.2023, without insisting to have the amended qualification specified in Rule 7(g) and the proviso thereto of the Amended Rules.

It is also stated by him that the order passed by this Court shall be uploaded on the website of the Madhya Pradesh High Court and, if necessary, a corrigendum be issued and shall be widely publicized today itself in the daily newspapers, thereby the candidates may not lose their chance to apply online prior to the last date of submission of Application Forms i.e. 18.12.2023.

In view of the statement made by learned senior counsel appearing on behalf of the High Court, we provisionally permit all the candidates to fill up the Application Forms (including those who have not approached the court) and provisionally permit to participate in the Preliminary and written examination, subject to outcome of the challenge to the *vires* of Rules before the High Court of Madhya Pradesh.

Learned senior counsel further submits that the case shall be heard by the High Court and disposed of in the Judicial Side, as far as possible by the end of February, 2024.

The above statement made by learned senior counsel is taken on record. In terms of the said statement, the Special Leave Petition stands disposed of.

Pending interlocutory application(s), if any, is/are disposed of.

(JAYANT KUMAR ARORA)
ASTT. REGISTRAR-cum-PS

(VIRENDER SINGH)
BRANCH OFFICER

(Signed order is placed on the file)

**IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION**

WRIT PETITION (C) NO. 1380 OF 2023

MONIKA YADAV & ORS.

Petitioner (s)

VERSUS

**HIGH COURT OF MADHYA PRADESH
& ANR.**

Respondent(s)

WITH

WRIT PETITION (C) NO. 1398 OF 2023

TEJAS TRIPATHI & ORS.

Petitioner (s)

VERSUS

**STATE OF MADHYA PRADESH
& ANR.**

Respondent(s)

O R D E R

Learned senior counsel appearing for the petitioners seeks permission to withdraw these Writ Petitions with liberty to approach the High Court to challenge the *vires* of Rule 7(g) of the Madhya Pradesh Judicial Service (Recruitment and Conditions of Service) Rules, 1994.

The prayer made is not opposed by the other side and seems reasonable. Therefore, the Writ Petitions are disposed of as withdrawn with liberty as prayed for.

.....J.
[J. K. MAHESHWARI]

.....J.
[K. V. VISWANATHAN]

New Delhi;
DECEMBER 15, 2023.