3

THE SEAL OF THE HIGH COURT OF M.P. JABALPUR

AFFIXED AT INDO

Writ Petition No. 2292 / 2017

BEFORE THE HONOURABLE HIGH COURT OF MADHYA PRADESH, PRINCIPAL SEAT AT JABALPUR / BENCH AT INDORE

Petitioners :

1. Dharmendra Sharma
   S/o LavKush Prasad Sharma
   Aged about- 30 Years
   Occupation-Service
   Tehsil-Kukshi
   District-Dhar (MP)
   Pin Code- 454335

2. Narayan Choyal
   S/o Babulal Choyal
   Aged about-30 Years
   Occupation- Service
   R/o Gram-Balipur,
   Tehsil-Manawar,
   District-Dhar (MP)
   Pin Code- 454446.

3. Sanjay Dixit
   S/o Narayan Dixit
   Aged about-37 Years
   Occupation-Service
   R/o-Gram-Pura,
   Tehsil-Kukshi
   District-Dhar (MP)
   Pin Code- 454335

4. Sunil Rahod
   S/o ManoharLalRathod
   Aged about-37 Years
   Occupation-Service,
   R/o-10 Ladd Gali, Dhar,
   District-Dhar (MP)
   Pin Code- 454001

5. Rakesh Parmar
   S/o ChaganlalParmar
   Aged about-32 Years
   Occupation-Service
   R/o-105BasantVihar Colony,
   District-Dhar (MP)
   Pin Code- 454001

Presented on 04/04/17
D.M. Rajkumar
772/05
Presentation Assistant

CANCELLED

Office of the Advocate General M.P. High Court Bench INDORE

HIGH COURT OF M.P. INDORE

Aged about-32 Years
Occupation-Service
R/o-237 Gram Post Ajanda
Tehsil-Manawar,
District-Dhar (MP)
Pin Code- 454446

7. Afzal Mansoori
S/o Irshad Mansoori
Aged about-32 Years
Occupation-Service
R/o-Nisarpur, Tehsil-Kukshi
District-Dhar (MP)
Pin Code- 454335

8. Manoj Kuril
S/oKaranLal Kuril
Aged about-39 Years
Occupation-Service
R/o-Dharampuri,
District-Dhar (MP)
Pin Code- 454449

9. Kundan Panday
S/o MadhusudanPanday
Aged about-49 Years
Occupation-Service
R/o-ShivMarg, Nisarpur
Tehsil-Kukshi,
District-Dhar (MP)
Pin Code- 454335

10. Rohit Patidar
S/o Harish Chandra Patidar
Aged about-27 Years
Occupation-Service
R/o-Bus Stand Kadod Kala
District-Dhar (MP)
Pin Code- 454665

11. Gaurav Joshi
S/o Dinesh Joshi
Aged about-26 Years
Occupation-Service
R/o-Gram Post Aahu
District-Dhar (MP)
Pin Code- 454001

12. Sachin Yadav
S/o BholaramYadav
Aged about-25 Years
Occupation-Service

R/o-24 Magajpura, Dhar,
District-Dhar (MP)
Pin Code- 454001

13. Rahul Brajwasi
S/o BherulalBrajwasi
Aged about-24 Years
Occupation-Service
R/o-17 Joshi Colony Jay
PrakashMarg, Dhar,
District-Dhar (MP)
Pin Code- 454001

14. Ravi Mehta
S/o Jagdish Mehta
Aged about-25 Years
Occupation-Service
R/o-Kumar Gaddha, Dhar
District-Dhar
Pin Code- 454001

15. Vipul Varmecha
S/o Prakash Chandra
Varmecha
Aged about-26 Years
Occupation-Service,
R/o-Gram Bakhatgarh
Tehsil-Badnawar
District-Dhar (MP)
Pin Code- 454660

16. Aashish Brajwasi
S/o Manohar Brajwasi
Aged about-24 Years
Occupation-Service
R/o-Mahatma Gandhi Marg
Tehsil-Kukshi
District-Dhar (MP)
Pin Code- 454335

17. Ravi Sharma
S/o Ashok Sharma
Aged about-26 Years
Occupation-Service
R/o-68-B, Saraswati Nagar
District-Dhar (MP)
Pin Code- 454001

18. Yash Kamthey
S/o Suresh Kamthey
Aged about-27 Years

6

Occupation-Service
R/o-Krashi UpajMandi
Dhar Road,Tehsil-Manawar,
District-Dhar (MP)
Pin Code- 454446

19. Vivek Soni
S/o SunderlalSoni
Aged about-29 Years
Occupation-Service,
R/o-Malui Choupati
Tehsil-Manawar
District-Dhar (MP)
Pin Code- 454446

20. Virendra Sharma
S/o Narendra Sharma
Aged about-35 Years
Occupation-Service
R/o-Gram Digthan
District-Dhar (MP)
Pin Code- 454446

21. Avdesh Meena
S/o Suresh Meena
Aged about-30 Years
Occupation-Service
R/o-Gram &Post Khachrod
District-Dhar (MP)
Pin Code- 454010

22. MukeshPatil
S/o Rameshwar Patil
Aged about-30 Years
Occupation-Service
R/o-131 Gram Khiledi
Tehsil-Badnawar,
District-Dhar
Pin Code- 454441

23. Anil Patidar
S/o Ramchandra Patidar
Aged about-29 Years
Occupation-Service
R/o-Gram Dasai
District-Dhar (MP)
Pin Code- 454441

24. Nadim Ahmad Khan
S/o Shafi Ahmad Khan
Aged about-23 Years
Occupation-Service,

CANCELLED

7

AT INDORE

R/o-Patel MargRajgarh
Tehsil-Sardarpur
District-Dhar (MP)
Pin Code- 454116

25. Vikash Chouhan
S/o Prem Narayan Chouhan
Aged about-27 Years
Occupation-Service
R/o-48
VivekanandMargNogaon, Dhar
District-Dhar (MP)
Pin Code- 454001

26. Satish Upadhyay
S/o Mahesh Upadhyay
Aged about-30 Years
Occupation-Service
R/o Gram-Kod,
Tehsil-Badnawar,
District-Dhar (MP)
Pin Code- 454665

27. Sanjay Panwar
S/o Jagdish Panwar
Aged about-37 Years
Occupation-Service
R/o-Sanwariya Nagar
Ghatabillod, Dhar,
District-Dhar (MP)
Pin Code- 454773

28. Digvijay Singh Rathor
S/o Vikram Singh Rathor
R/o Aged about-33 Years
Occupation-Service
R/o-Gram Sanoli,
Tehsil-Badnawar
District-Dhar (MP)
Pin Code- 454660

29. BhanvarJat
S/o Babulal Jat
Aged about-30 Years
Occupation-Service
R/o-Gram
RatanpuraBadnawar,
District-Dhar (MP)
Pin Code- 454660

30. Chandrashekhar Patidar
S/o Rameshwar Patidar

8

Aged about-25 Years
R/o Gram Kadod Kala
Tehsil-Badnawar
District-Dhar (MP)
Pin Code- 454660

Versus

Respondents :

1. **The State of Madhya Pradesh**
Through its Principal Secretary,
Department of Co-operatives,
Mantralaya, Vallabh Bhawan,
Bhopal (MP)

2. **Commissioner-cum-Registrar**
Office of the Commissioner and the Registrar of Co-operative Societies, Govt. of Madhya Pradesh, Bhopal (M.P)

3. **Madhya Pradesh State Co-operative Bank Limited**
through its Managing Director, its Head Office at New Market, TT Nagar, Bhopal.

4. **District Co-operative Bank Limited, Dhar**
through its Managing Director, District Dhar (M.P).

Writ Petition under Article 226 of the Constitution of India

BEFORE
THE HON'BLE CHIEF JUSTICE
AND HIS COMPANION JUDGES
OF THE HON'BLE COURT OF JUDICATURE
OF MADHYA PRADESH AT INDORE

1. Particulars of the cause/letter/order against which the petition is made:

A I) Date of Order: 02.04.2016

II) Passed in File Number: Kramank/ Sakh/ App/ 2016/ 962 dated 02.04.2016

ANNEXURE - C

HIGH COURT OF MADHYA PRADESH

CASE NO.....OF 20.....

ORDER SHEET (CONTINUATION)

DATE & SIGNATURE NO. OF THE ORDER	ORDER

W.P. No.2292/2017

27.04.2017

Shri R.S. Raghuvanshi, learned counsel for then petitioners.

Shri Milind Phadke, learned Govt. Advocate for the respondent Nos.1 and 2.

Shri C.R. Karnik, learned counsel for the respondent No.3.

Ms. Mini Ravindran, learned counsel for the respondent No.4.

On 26/04/2017, application for vacating stay has been filed by the respondent Nos.3 and 4 vide I.A. Nos.2340/2017 and 2334/2017 respectively.

On due consideration of facts and circumstances of the case, no case for stay is made out.

I.A. Nos.2340/2017 and 2334/2017 are allowed.

As prayed by the learned counsel for the petitioners, list in the next week.

(P. K. Jaiswal)
Judge

(Virender Singh)
Judge

pn/

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ANNEXURE - C

HIGH COURT OF MADHYA PRAI

CASE NO.....OF 2(

ORDER SHEET (CONTINUATION)

DATE & S. NO. OF THE ORDER	ORDER

W.P NO.2292/2017

28.04.2017:

Mr.Abhinav Malhotra, Advocate for the petitioners.

Mr. Umesh Gajankush, Dy.Advocate General for the respondents No.1 & 2.

Mr.C.R.Karnik, Advocate for the respondent No.3.

Ms.Mini Ravindran, Advocate for the respondent No.4.

Heard on I.A.No.2399/17.

The challenge in the writ petition is to an advertisement dated 01.03.2017 inviting applications to fill 1634 posts of Computer Operators/Clerks in 37 District Central Co-Operative Banks in the State of Madhya Pradesh. The challenge is in respect of the reservation on the posts advertised by respondent No.3. The grievance of the petitioner is that there cannot be any reservation in the District Central Co-Operative Banks wherein the share capital of the State of Madhya Pradesh is less than 51%. Since the State of Madhya Pradesh has no contribution in the paid-up capital of the respondent No.4 and some other Central Banks, there cannot be any reservation in the said Banks.

It has also come on record that the petitioners are, in fact, working as contractual employees since the year 2013-14.

The Division Bench of this Court on 12.04.2017 passed an order that respondents shall not recruit more than 50% of the posts by appointing persons from the reserved categories in all District Co-Operative Banks including the District Co-Operative Bank Ltd., Dhar and the respondents shall permit the petitioners to continue in service

CANCELLED

DATE & S. NO. OF THE ORDER	ORDER

until and unless ordered otherwise. Later an application for vacation of stay was filed and the interim order was recalled on 27.04.2017.

Today, learned counsel for the petitioners made a mention that such an order was passed without giving due opportunity of hearing to the petitioners. In view of the request, the I.A was posted for hearing today itself.

The District Co-Operative Banks carry out a public function to provide services to the public at the district level. As many as 1634 posts have been advertised to be filled up. Whether as per the reservation policy only 50% of the posts can be reserved or not is a question to be adjudicated at the time of final hearing of the writ petition but by way of an interim order, the filling up of posts to facilitate the Banks to carry out public function cannot be ordered. Therefore, we do not find any reason to stay the selection process in any manner. However, it is ordered that selection made by the respondents in pursuance to the advertisement issued on 01.03.2017 shall be subject to the final outcome of the writ petition.

Since the petitioners are working contractually, we clarify that petitioners can be substituted only by regularly appointed candidates and not by the candidates to be appointed on contractual basis.

With the aforesaid clarification, I.A.No.2399/17 stands disposed of.

(HEMANT GUPTA)
CHIEF JUSTICE

(VIRENDER SINGH)
J U D G E

hk/

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High Court of Madhya Pradesh
Indore Bench

Application No. 22712 / 2017

GCPB-1982-DCGPB-18-3-05-1,00,000

II-10
C.J.

Application received on	Applicant told to appear on	Applicant appeared on	Application (with or without further /correct particulars) sent to Record Keeper / Dealing Assistant on	Application (with record or without record, and for further or correct particulars, if any required) received from the Record Keeper / Dealing Assistant on	Applicant given notice for further or correct particulars on	Applicant given notice for further funds on	Notice in Sr.No. (6) or (7) complied with on	Copy ready on	Copy delivered on	Court-fee realized
1.	2.	3.	4.	5.	6.	7.	8.	9.	10.	11.
27-04-2017	05-05-2017	29-04-2017						29-04-2017	29-04-2017	36=

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