SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com

Amrish Kumar Singh Vs. the State of Madhya Pradesh

Amrish Kumar Singh Vs. the State of Madhya Pradesh

SooperKanoon Citation : sooperkanoon.com/1042744

Court : Madhya Pradesh

Decided On : Sep-03-2012

Appellant : Amrish Kumar Singh

Respondent : The State of Madhya Pradesh

Advocate for Def. : Shri. Dharmadhikari

Advocate for Pet/Ap. : Shri. P.S.Gaharwar

Judgement :

Amrish Kumar Singh versus State & ORS.W.P.No.22049/2011 04/09/2012 Shri P.S.Gaharwar, learned counsel for the petitioner.

Shri Dharmadhikari, learned counsel for the respondents.

This case has been wrongly listed along with W.P.No.881/2012.

The facts of this case are entirely different from the said case.

Petitioner was a candidate, who had appeared in the Selection Process conducted by Respondent No.3 for appointment on the post of Sub-Inspector.

It seems that on the ground that the petitioner does not fulfill the age criteria, his candidature has been rejected.

However, contending that petitioner is working as a Samvida Shala Shikshak Grade-II for various periods and the period of work done by the petitioner should be included in accordance with age relaxation granted in Clause-1.6.2 as per advertisement, petitioner seeks interference into the matter and a direction for granting age relaxation and subsequent consideration of the matter.

The question involved in this writ petition and right of the employees like the petitioner namely a Contract Appointee for appointment and age relaxation has already been considered in the case of Arun Singh Bhadouriya 2009 (2) MPHT 277

It has been held by the learned Division Bench that a Samvida Shala Shikshak, who has been appointed in accordance with rule 10 & 12 of the Madhya Pradesh Panchayat Samvida Shala Shikshak (Recruitment & Conditions of Contract) Rules 2005, is not a Government Servant and is not entitled to claim the age relaxation.

Keeping in view the judgment rendered by the Division Bench and considering the fact that the petitioner is a contract appointee Amrish Kumar Singh versus State & ORS.Samvida Shala Shikshak, no case is made out for interference into the matter.

Finding the claim of the petitioner to be wholly unsustainable and contrary to the judgment rendered in the case of Arun Singh Bhadouriya (Supra).this petition is dismissed.

(Rajendra Menon) Judge nd

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com