

Certified Copy Key	App. No.	Delivery Date	Amount (Rs/-)	Purpose	CRN
7iwb - mezh - ud81	17320/2025	24-04-2025	63	Private	LAW003023042025012253
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**IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR**

BEFORE

HON'BLE SHRI JUSTICE SANJAY DWIVEDI

ON THE 22nd OF APRIL, 2025

Writ Petition No. 23778 of 2018

SMT. KIRAN AHIRWAR

Versus

VICE-CHANCELLOR & OTHERS

Appearance :

Shri Arvind Kumar Shrivastava – Advocate for the petitioner.

Shri Parag Tiwari – Advocate for respondents No.1 and 2.

Shri Rajendra Kumar Mishra – Advocate for respondent No.3.

Reserved on : 16.10.2024

Pronounced on : 22.04.2025

ORDER

By the instant petition, the petitioner is challenging the final score card dated 28.09.2018 (Annexure-P/9) passed by the Registrar, Nanaji Deshmukh Veterinary Science University, Jabalpur, granting additional marks in favour of respondent No.3 resulting into his appointment on the post of Assistant Registrar in the respondent-university.

2. As per the rival submissions of learned counsel for the parties, the issue emerged to be adjudicated is as to whether the respondents have rightly granted marks of experience to respondent No.3 or not. To answer this issue, necessary facts of the case are to be taken-up, which are as under:

(2.1) An advertisement was issued on 22.03.2017 (Annexure-P/1) by the respondent-university for direct appointment on different posts and

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the present dispute is with regard to the post of Assistant Registrar.

(2.2) The petitioner applied for the post of Assistant Registrar [General Category (UR)]. In the process of selection, a written examination was conducted, thereafter, the final score card was issued on 28.09.2018 (Annexure-P/9) showing the names of eligible candidates for the post of Assistant Registrar. In the said score card, respondent No.3 being a skilled labour working in the office of Registrar, was granted five marks for being an employee of the university and six marks towards his experience. Although, it is submitted that there was no provision for granting such marks and it has wrongly been granted to respondent No.3. It is also averred in the petition that respondent No.3 was not an employee of the university and was working only as a skilled labour but not as a regular employee.

(2.3) Personal interviews were conducted on 03.10.2018, although after coming to know about the fact of awarding marks to respondent No.3 illegally, representations were made by the petitioner to respondent No.1 on 29.09.2018 and 01.10.2018, but the same were unanswered, hence, this petition.

3. The appointment of respondent No.3 has been assailed mainly on the ground that it is contrary to law and also against the rules that govern the appointment.

4. The respondents have submitted preliminary submissions relying upon a letter revealing the petitioner to be an employee of the university and further, that the marks of experience were granted as he has worked in the Establishment section.

5. Reply to the preliminary submissions has also been submitted by the petitioner stating that the marks of experience were not properly granted to respondent No.3 and also filing certain documents so as to ascertain his

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service conditions showing that he was not a regular employee of the university.

6. Rejoinder and additional return have also been filed but surprisingly, the respondents have not clarified as to under which provision of law, additional marks were granted in the head “employees already working in the respondent-university” and also for experience. However, from the score card (Annexure-P/9), it reveals that not only the respondent No.3 but the petitioner herself has also been granted five marks for being an employee of respondent-university and six marks for experience, although two extra marks were granted to respondent No.3 for NCC/NSS/Sports Awards, as such, the petitioner, despite securing more marks in written examination i.e. 53.60 as compared to respondent No.3 i.e. 53.40, respondent No.3 was placed above the petitioner with total marks of 68.40 whereas the petitioner’s total marks were 66.60.

7. Learned counsel for the parties are also not in a position to apprise this Court that whether under the respective Adhiniyam i.e. Nanaji Deshmukh Pashu Chikitsa Vigyan Vishwavidhyalaya Adhiniyam, 2009, there is any provision for granting additional marks for experience for being an employees of the university and also the marks under the head of other grant.

8. The only condition contained in the advertisement (Annexure-P/1) was for providing 5% relaxation to the candidates who are employees of the university that too in minimum qualification. However, for allotting additional marks, no provision was shown. It is a settled principal of law and it is the rule of selection that a candidate must know as to under which head the marks are to be allotted and according to that, merit list is to be prepared. In the present case, there was no indication that additional marks would be granted but as per the score card (Annexure-P/9), it reflects so. The respondents in their reply failed to justify as to how and under which

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provision of law, merit list has been prepared by awarding additional marks.

9. I also do not find any document or any provision under which the candidates applying for the post of Assistant Registrar, are required to get such marks. Neither in the advertisement, it is shown nor any rule has been filed by the parties so as to apprise this Court that there is any provision for granting such additional marks to the candidates apart from their score in the written examination. In such circumstances, in my opinion, as per the material available, the selection of respondent No.3 does not appear to be proper. The respondent-university is also unable to substantiate as to on what basis, marks have been allotted, therefore, I have no other option but to set-aside the selection of respondent No.3 directing the respondent-university to re-frame the select list awarding marks to the candidates as provided under the Rules. It is further made clear that if there is no provision for granting such additional marks to the candidates, like, being an employee of the department and marks for experience, the same could not have been awarded.

10. Thus, the selection of respondent No.3 is hereby set-aside and the matter is remitted back to the authority for preparing a fresh merit list on the basis of marks secured by the candidates and if any additional marks are required to be granted, then the same may be granted after verifying as to whether the candidates were aware of that or any provision regarding the said grant of marks is there or not, otherwise no additional marks can be granted to the candidates as per the choice of the Selection Committee. Hence, the matter is remitted back to respondents No.1 and 2 to prepare a fresh select list as per the observations made herein above.

11. However, considering the fact that the selection has already been done and appointed persons are working on their respective posts, therefore, *status quo* with regard to their present status shall be maintained

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for a period of three months from today, and during the said period, the aforesaid exercise of preparing fresh select list be completed by the university.

12. With the aforesaid, the petition stands **allowed** and **disposed of**.

(SANJAY DWIVEDI)
JUDGE

Prachi

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IN THE HIGH COURT OF MADHYA PRADESH, MAIN SEAT JABALPUR
CASE NO. : WP-23778-2018 (DISPOSED)

APPLICANT DETAILS:

Application No.: 17320/ 2025

Applicant Name: DINESH KUMAR UPADHYAY

Type: Express

PARTY DETAILS:

Petitioner	SHRI KIRAN AHIRWAR W/o PRASHANT AHIRWAR , Aged about 37 years , STENOGRAPHER IN NANAJI DESHMUKH VETERINARY SCIENCE UNIVERSITY , R/o JABALPUR, District- Jabalpur (Madhya Pradesh)
Respondent	VICE CHANCELLOR , NANAJI DESHMUKH VETERINARY SCIENCE UNIVERSITY , R/o JABALPUR, District- Jabalpur (Madhya Pradesh) REGISTRAR NANAJI DESHMUKH VETERINARY SCIENCE UNIVERSITY JABALPUR, R/o JABALPUR, District- Jabalpur (Madhya Pradesh) MR. RAM KINKAR MISHRA SKILLED LABOUR POSTED IN THE OFFICE OF REGISTRAR, NANAJI DESHMUKH VETERINARY SCIENCE UNIVERSITY , R/o JABALPUR, District- Jabalpur (Madhya Pradesh)

Advocates Details:

Petitioner Advocates	,ARVIND KUMAR SHRIVASTAVA,SHAFIQUEDDIN JOHAR,DINESH KUMAR UPADHYAY,SATENDRA KUMAR DWIVEDI,SUMIT KANOJIYA
Respondent Advocates	,RAJENDRA KUMAR MISHRA[R-3],ASHISH KUMAR UPADHYAY[R-3],KAMALNATH NAYAK[R-2],KAMALNATH NAYAK[R-1],VINEETA SHARMA[R-2],VINEETA SHARMA[R-1],ANSHUL TIWARI[R-2],ANSHUL TIWARI[R-1],MALA SINGH[R-2],MALA SINGH[R-1]

LAST LISTED ON DETAILS:

Judge	HONBLE SHRI JUSTICE SANJAY DWIVEDI	Date	22-04-2025
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LOWER COURT DETAILS:

Case Type	---0-	District	Not Mention	Police Staion	Crime No.	/0
Judge	--	Decision Date	28-09-2018			

EXTRA DETAILS:

Subject Heading/Category/Sub-Category	(1) SERVICE RELATING TO OTHERS-17200 / Recruitment-17234/01- Advertisement (2) SERVICE RELATING TO OTHERS-17200 / Selection-17241/02-Selection Process
Provision of law	01-A PETITION FILED UNDER ARTICLE 226 OF CONSTITUTION
Act- U/Section	-
Brief Description of the Judgment/ Order/Award impugned	CHALLENGING THE ORDER DT. 28/09/2018 ANN P/9
Des of Relief Claimed	TO DECLARE GIVING OF 5 MARKS TO THE EMPLOYEE OF NANAJI DESHMUKH VETERINARY SCIENCE UNIVERSITY

CERTIFICATE:

- 1 that I OMPRAKASH BORLE (name) am employed as Head Copyist in the High Court of Madhya Pradesh, Main Seat Jabalpur.
- 2 that the High Court of M.P. is engaged in dispensation of Justice and various activities connected there to.
- 3 that by virtue of my employment as Head Copyist, I am authorized to use the computer system in High Court of Madhya Pradesh, Jabalpur.
- 4 that the computer terminals of the system used by me were functioning regularly to store or process information at all times.
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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 corrcet 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
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