

IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE

WP No. 6943 of 2026

(NARENDRA PRATAP SINGH AND OTHERS Vs THE STATE OF MADHYA PRADESH AND OTHERS)

Dated : 08-04-2026

Shri Dinesh Singh Chauhan - Advocate for the petitioners.

*Sh. Kushagra Singh (Dy.GA) appearing on behalf of Advocate
General/respondents No.1 to 3/State.*

Heard on the question of admission as well as interim relief.

Issue notice to the respondents upon payment of the process fee within seven working days by speed post, returnable within three weeks.

Failure to do so shall result in the dismissal of the petition without further reference to the Court.

The petitioners, *prima facie*, has made out a case for interference by inviting the Court's attention to Annexure P/10 which is a Gazette notification dated 02/11/1985 of the Madhya Pradesh Ex-Servicemen (Reservation of Vacancies in the State Civil Services and Posts Class III and Class IV) Rules, 1985 has been substituted, which reads as under :-

"Short title and commencement.- (1) These rules may be called the Madhya Pradesh Ex-servicemen (Reservation of Vacancies in the State Civil Services and Posts Class III and Class IV) Rules, 1985. (2) They shall be deemed to have come into force on the second day of March, 1975.

2 . Definitions.- In these rules, unless the context otherwise requires-

(a) 'Armed Forces of the Union" means the Naval, Military or Air Forces of the Union and includes the Armed Forces of the Former Indian States;

(b) 'Disabled Ex-serviceman' means the Ex-serviceman who while serving the Armed Forces of the Union or Joint Armed Forces of

Former Indian States was disabled in operations against the enemy or in disturbed areas.

(c) "Ex-serviceman" means a person who has served in any rank (whether as a combatant or non-combatant) in the Armed Forces of the Union including the Joint Armed Forces of the former Indian States, for a continuous period of not less than six months and-

(i) has been released, otherwise than at his own request or by way of dismissal or discharge on account of the misconduct or inefficiency, or has been transferred to the reserve pending such release, or

(ii) has to serve for not more than six months for competing the period of service requisite for becoming entitled to be released or transferred to the reserve as aforesaid,

(iii) has been released at his own request after completing five years service in the Armed Forces of the Union.

(d) "reserved vacancies" means vacancies reserved under Rule 4 for being filled by ex-serviceman.

3 . Application.- These rules shall apply to all the State Civil Services and posts, Class III and Class IV. |

4. Reservation of vacancies.- (1) Nine per cent of the vacancies in each of the categories of Class II| posts and of such posts in each Class III service, and fourteen per cent of the vacancies in each of the categories of Class IV posts and of such posts in each Class IV service including permanent vacancies filled initially on temporary basis and temporary vacancies which are likely to be made permanent and/or are likely to continue for three months and more, to be filled by direct."

Petitioners has further invited Court's attention to Clause (14) sub clause (xii) of selection Test-2025 for Direct Recruitment of Constable Cadre (Executive) under Police Headquarters, Home (Police) Department, Govt. of M.P, Examination Conduct and Recruitment Manual which reads as under :-

" xii) आरक्षित हॉरीजोन्टल श्रेणी:- प्रत्येक वर्टिकल श्रेणी के भीतर हॉरीजोन्टल आरक्षण श्रेणियाँ हैं, जैसे- महिलाएं या भूतपूर्व सैनिक इसके लिए, केवल उन्हीं योग्य अभ्यर्थियों पर चयन हेतु विचार किया जा सकता है जिन्होंने कि प्रथम चरण की लिखित परीक्षा में न्यूनतम अर्ह अंक पाए हों जो कि उनकी अपनी-अपनी वर्टिकल श्रेणी यथा UR/OBC/ST/SC/EWS के कट-ऑफ अंक ही हो सकते हैं। प्रथम चरण में हॉरीजोन्टल आरक्षित श्रेणियों के

लिए पृथक से कट-ऑफ अंक निर्धारित नहीं किए जाएंगे।

क. भूतपूर्व सैनिक को उनकी संबंधित वर्टिकल श्रेणी में "ओपन प्रकोष्ठ" अभ्यर्थी के रूप में नहीं चुना जा सकता है, क्योंकि उनको शारीरिक दक्षता परीक्षण में पृथक एवं शिथिल मानकों के आधार पर अंक अभिप्राप्त होंगे।

ख. महिलाओं/होमगार्ड या भूतपूर्व सैनिक अभ्यर्थियों के लिए हॉरीजोन्टल आरक्षित पदों पर योग्य अभ्यर्थी नहीं मिलने की दशा में इस प्रकार शेष रहे पदों को उस वर्टिकल श्रेणी के ओपन प्रकोष्ठ के अभ्यर्थियों से भरा जाएगा।

ग. होमगार्ड हॉरीजोन्टल आरक्षित श्रेणी:- स्वयंसेवी होमगार्ड नगर सैनिकों के लिये आरक्षक पद पर 15 प्रतिशत "ओवरऑल हॉरीजोन्टल आरक्षण" लागू है, शासन के आदेश क्र./3789/1537/89/बी/3/2/ दिनांक 29.06.1989 के संदर्भ में एवं पुलिस मुख्यालय के परिपत्र क्रमांक/पुमु/2/चयन/स-3/314/04 दिनांक 14.10.2004 के द्वारा यथा निर्देशित होमगार्ड को केवल आरक्षक पदों के लिए लिखित परीक्षा से छूट दी गई है, इसलिए होमगार्ड के रूप में पाँच वर्ष तक सेवा पूर्ण करने पर 5 अंक, पाँच से अधिक एवं दस वर्ष तक सेवा पूर्ण करने पर 10 अंक तथा दस वर्ष से अधिक सेवा अवधि पूर्ण करने पर 15 अंक निर्धारित करते हुए, प्राप्तांकों के घटते क्रम के आधार पर तैयार योग्यता सूची में से, उनके लिए आरक्षित रिक्तियों के सात गुना होमगार्ड अभ्यर्थियों को शारीरिक दक्षता परीक्षण के लिए बुलाया जायेगा। होमगार्ड सैनिकों का आरक्षक पद के लिए अंतिम चयन निम्न अंको के योग के आधार पर होगा :-

- 1) उनके लिए निर्धारित शारीरिक दक्षता परीक्षण मापदंडों के आधार पर प्राप्तांक एवं,
- 2) उनकी सेवा अवधि के आधार पर प्राप्तांक एवं,
- 3) एक से अधिक होमगार्ड की सेवा अवधि और शारीरिक दक्षता परीक्षण के आधार पर प्राप्तांक यदि समान हैं, तो अधिक कुल सेवा और उसके भी समान होने पर अधिक आयु के होमगार्ड अभ्यर्थी को कम आयु के होमगार्ड से योग्यता क्रम में ऊपर रखा जाएगा।"

Considering the provisions quoted above, As an interim measure, it is directed that the petitioners be permitted to participate in the physical examination which is going on or to be conducted. It is made clear that participation of the petitioners shall be subject to the final outcome of the petition and the petitioners shall not claim any equity in respect to the post in question due to the participation made by this Court as an interim measure.

Let reply be filed by the respondents within 15 days.

List after 15 days alongwith W.P. No.40258/2026 for analogues hearing.

Registry is directed to reflect the name of Shri R.S.Chouhan, Advocate as counsel for respondent No.4 who shall file the reply within 15 days.

Counsel for the petitioners is also directed to supply the copy of the petition along with annexures to the counsel for the respondent No.4 during the course of the day.

C.C today.

(JAI KUMAR PILLAI)
JUDGE

Aiyer