

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(S).1159 OF 2025
(ARISING OUT OF S.L.P (CIVIL) NO(S). 2178/2022)

CHAIRMAN, M.P. POLLUTION CONTROL BOARD & ANR.

APPELLANT(S)

VERSUS

SUNITA JHORE & ANR.

RESPONDENT(S)

O R D E R

1. Leave granted.

2. This Appeal is taken up for hearing.

3. A writ petition was filed by the respondents before the learned Single Judge of the High Court of Madhya Pradesh in which by an order dated 26th February, 2020, the learned Single Judge issued a writ of mandamus directing the appellants to hold the DPC to consider the case of the respondents for promotion to the post of Scientist.

4. The impugned order dated 26th October, 2021 has been passed by the Division Bench of the High Court of Madhya Pradesh at Jabalpur in a writ appeal preferred by the appellants against the order dated 26th February, 2020 of the learned Single Judge. The argument before the Division Bench was that the impugned order of the learned Single Judge could not have been passed as it was not open for the appellants to conduct the DPC in view of certain orders passed by this Court. In paragraph 4 of the impugned order, the Division Bench held that it is not the duty of the said Bench to clarify whether the orders of this Court prevent the appellants from implementing the impugned order. Further, the Division Bench observed that if the appellants were not in a position to comply with the impugned order on the basis of the orders passed by this Court, it is for them to justify.

5. The very argument before the Division Bench was that the impugned order could not have been implemented in view of certain orders passed by this Court. The Division Bench declined to go into the said contention and without deciding the same, dismissed the writ appeal. Therefore, there is no option but to remit the writ appeal to the Division Bench of the High Court of Madhya Pradesh at Jabalpur.

6. Accordingly, we set aside the impugned order dated 26th October, 2021 and restore W.A. No.657/2020 to the file of the High Court of Madhya Pradesh at Jabalpur. The restored Writ Appeal shall be listed before the roster Bench on 21st February, 2025 in the morning. The parties to this Appeal shall remain present before the roster Bench on that date and no further notice shall be issued to the parties.

7. The order of *status quo* passed by this Court on 21st February, 2022 shall continue to operate till further orders are passed by the Division Bench. All contentions of the parties are left open to be decided by the Division Bench.

8. A copy of this order shall be forwarded by the Registry to the Registrar (Judicial) of the High Court of Madhya Pradesh at Jabalpur who shall ensure that the restored Writ Appeal is listed as directed above.

9. The Appeal is partly allowed on the above terms.

.....J.
(ABHAY S. OKA)

.....J.
(UJJAL BHUYAN)

NEW DELHI;
JANUARY 28, 2025.

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

CIVIL APPEAL NO(S).629/2022

JARNAIL SINGH & ORS.**Appellant(s)****VERSUS****LACHHMI NARAIN GUPTA . & ORS.****Respondent(s)****[ONLY SLP (C) NO. 2178/2022 IS LISTED UNDER THIS ITEM]**

(IA No. 126581/2022 - AMENDMENT IN CAUSE TITLE, IA No. 140236/2022 - APPEAL AGAINST LD. REGISTRARS UNDER ORDER VIII RULE 6(3)/ 6(4), IA No. 15287/2022 - APPLICATION FOR PERMISSION, IA No. 155410/2022 - APPLICATION FOR PERMISSION, IA No. 15289/2022 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 155415/2022 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 89078/2020 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 25195/2018 - CLARIFICATION/DIRECTION, IA No. 122323/2019 - CLARIFICATION/DIRECTION, IA No. 81299/2020 - EXEMPTION FROM FILING AFFIDAVIT, IA No. 102930/2020 - EXEMPTION FROM FILING AFFIDAVIT, IA No. 112335/2021 - EXEMPTION FROM FILING O.T., IA No. 159506/2022 - EXEMPTION FROM FILING O.T., IA No. 80533/2018 - INTERVENTION APPLICATION, IA No. 89075/2020 - INTERVENTION APPLICATION, IA No. 25199/2018 - INTERVENTION APPLICATION, IA No. 112333/2021 - INTERVENTION APPLICATION, IA No. 114085/2022 - INTERVENTION APPLICATION, IA No. 106247/2018 - INTERVENTION APPLICATION, IA No. 15288/2022 - INTERVENTION APPLICATION, IA No. 97565/2018 - INTERVENTION APPLICATION, IA No. 92623/2020 - INTERVENTION APPLICATION, IA No. 155411/2022 - INTERVENTION APPLICATION, IA No. 167019/2021 - INTERVENTION APPLICATION, IA No. 81298/2020 - INTERVENTION/IMPLEADMENT, IA No. 11323/2021 - INTERVENTION/IMPLEADMENT, IA No. 93083/2017 - INTERVENTION/IMPLEADMENT, IA No. 105861/2018 - INTERVENTION/IMPLEADMENT, IA No. 102927/2020 - INTERVENTION/IMPLEADMENT, IA No. 86780/2018 - INTERVENTION/IMPLEADMENT, IA No. 125121/2022 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES, IA No. 158328/2022 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES AND IA No. 132052/2020 - WITHDRAWAL OF CASE / APPLICATION)

WITH**SLP(C) No. 2178/2022 (IV-C)****Date : 28-01-2025 This matter was called on for hearing today.****CORAM :****HON'BLE MR. JUSTICE ABHAY S. OKA****HON'BLE MR. JUSTICE UJJAL BHUYAN**

For Appellant(s):

(SLP(C) No. 2178/2022)

Mr. Raghav Sharma, Adv.
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Mr. Jaskirat Pal Singh, Adv.
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For Respondent(s):

(SLP(C) No. 2178/2022)

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Mr. Gaichangpou Gangmei, AOR
Mr. Arjun D. Singh, Adv.
Ms. Nisha Pandey, Adv.
Mr. Yimyang Longkumer, Adv.
Mr. Maitreya Mahaley, Adv.

Mr. Ranjan Mukherjee, AOR

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

SLP(C) No. 2178/2022

Leave granted.

The Appeal is partly allowed in terms of the signed order.

Pending application(s), if any, shall stand disposed of
accordingly.

(ASHISH KONDLE)
ASTT. REGISTRAR-cum-PS

(AVGV RAMU)
COURT MASTER (NSH)

[THE SIGNED ORDER IS PLACED ON THE FILE]