

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Writ Petition(s) (Civil) No(s). 142/2024

SARITA CHOUDHARY

Petitioner(s)

VERSUS

HIGH COURT OF MADHYA PRADESH & ANR.

Respondent(s)

([ONLY SMW(C)No. 2/2023 IS LISTED UNDER THIS ITEM.] ----- FOR
ADMISSION and IA No.15618/2024-STAY APPLICATION and IA
No.15617/2024-EXEMPTION FROM FILING O.T. and IA No.15619/2024-
CONDONATION OF DELAY IN REFILING / CURING THE DEFECTS)

WITH

SMW(C) No. 2/2023 (X)

(Shri Gaurav Agrawal, learned amicus curiae
FOR EXEMPTION FROM FILING O.T. ON IA 77677/2024
IA No. 184779/2024 - DOCUMENT TAKEN ON RECORD
IA No. 77677/2024 - EXEMPTION FROM FILING O.T.)

Date : 03-09-2024 This petition was called on for hearing today.

CORAM :

HON'BLE MRS. JUSTICE B.V. NAGARATHNA

HON'BLE MR. JUSTICE NONGMEIKAPAM KOTISWAR SINGH

Shri Gaurav Agrawal, Sr. Adv., Amicus Curiae

For Petitioner(s) By Courts Motion, AOR

Mr. Pardeep Gupta, Adv.
Mr. Parinav Gupta, Adv.
Mrs. Mansi Gupta, Adv.
Dr. Mrs. Vipin Gupta, AOR

For Respondent(s) Mr. Arjun Garg, AOR
Mr. Aakash Nandolia, Adv.
Ms. Sagun Srivastava, Adv.
Ms. Kriti Gupta, Adv.

Mr. Sunny Choudhary, AOR
Mr. Sarthak Raizada Ga, Adv.
Mr. Sarad Kumar Singhania Aor, Adv.
Mr. Jitendra Kumar Tripathi, Adv.

Mr. R Basant, Sr. Adv.
Mrs. Rekha Pandey, AOR
Mr. Gulab Sharma, Adv.

contd..

Mr. L C Patne, Adv.
Mr. Raghav Pandey, Adv.
Mr. Hitesh Sharma, Adv.
Mr. Akshay Sahai, Adv.
Ms. Gauri Pandey, Adv.

Ms. Tanvi Dubey, Adv.
Ms. Charu Mathur, AOR
Mr. Nekala Ganesh Kumar Reddy, Adv.
Mr. Aditya Nema, Adv.

Mr. Vivek K. Tankha, Sr. Adv.
Mr. Sumeer Sodhi, AOR
Mr. Varun Tankha, Adv.
Mr. Prasang Sharma, Adv.
Mr. Vipul Tiwari, Adv.
Mr. Inder Dev Singh, Adv.

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

SMW(C) No. 2/2023

Pursuant to our order dated 23.07.2024, the Full Court of the High Court of Madhya Pradesh has re-considered its earlier resolutions and orders impugned in the suo motu writ petition as well as other writ petitions filed by the respective petitioners which is evident by Minutes dated 01.08.2024 of 530th Full Court Meeting held on the said date. The following four officers, namely, Smt. Jyoti Varkade, Sushri Sonakshi Joshi, Sushri Priya Sharma and Smt. Rachna Atulkar Joshi have been considered for reinstatement subject to certain terms and conditions. Insofar as two other officers are concerned, namely, Sushri Sarita Choudhary and Sushri Aditi Kumar Sharma, there is no revocation of the earlier orders and resolutions and the Full Court has also further resolved to place the adverse remarks and other materials against them before this Court in a sealed cover.

Contd..

For ease of reference, the extract of the Minutes of 530th Full Court Meeting dated 01.08.2024 at 5.00 P.M is extracted as follows: -

" XXX XXX XXX

SUB NO.01. Consideration of the matter relating to termination of 06 Civil Judges, Junior Division of Madhya Pradesh Judicial Service.

Hon'ble the Supreme Court in Suo Motu Writ (C) No. 2/2023 in Re: Termination of Civil Judge, Junior Division has been pleased to pass following order on 23.07.2024 : -

"Learned senior counsel and Amicus Curiae submitted that although earlier, the concerned Committee had reviewed the matter and had reiterated its earlier resolution, nevertheless, the Full Court of the High Court could reconsider the matter and depending upon its resolutions, further consideration of these matters could be taken up.

In the circumstances, we request the Full Court of the High Court of Madhya Pradesh to reconsider its resolutions and orders impugned in these suo moto writ petition and other writ petitions filed by the parties.

On a reconsideration by Full Court of the High Court, a copy of the resolution could be placed before this Court by learned counsel for the respondent-High Court preferably within a period of four weeks from today".

In view of the order of Hon'ble Supreme Court, Full Court considered the matter and resolves that the termination of following 04 Civil Judges, Junior Division be revoked with a condition that they be posted as Civil Judge, Junior Division with a probation period of one year without back-wages and they be placed at the bottom of their respective batch. They will regain their original seniority subject to their confirmation.

Contd..

Sr. No.	Name of the Officers whose termination is to be revoked
1.	Smt. Jyoti Varkade, the then CJ, Jr. Division, Timarni [Harda]
2.	Sushri Sonakshi Joshi, the then V AJ To I CJ, Jr. Division, Morena
3.	Sushri Priya Sharma, the then I CJ, Jr. Division, Dr. Ambedkar Nagar [Indore]
4.	Smt. Rachna Atulkar Joshi, the then II CJ, Jr. Division, Teonthar [Rewa}

Full Court also considered the matter of Sushri Sarita Choudhary, the then II Civil Judge Junior Division, Umaria and Sushri Aditi Kumar Sharma, the then V Civil Judge, Junior Division, Tikamgarh. After considering their ACRs Gradings, Disposal Statistics, Adverse Remarks, complaints made against them and their overall performance, Full Court is of the view that the termination of Sushri Sarita Choudhary and Sushri Aditi Kumar Sharma cannot be revoked. In view thereof Full Court resolves to reiterate its earlier resolution dated 11.05.2023 in respect of Sushri Sarita Choudhary and Sushri Aditi Kumar Sharma. Full Court further resolves to place adverse remarks and other material against them before the Hon'ble Supreme Court in a sealed cover."

Learned senior counsel Shri R Basant, appearing for the aforesaid three officers, namely, Smt. Jyoti Varkade, Sushri Priya Sharma and Smt. Rachna Atulkar Joshi submitted that these officers have no grievance with regard to the resolution passed as such. The submission regarding payment of salary from the date of termination till reinstatement is rejected.

Shri R Basant, learned senior counsel urged that the High Court may issue orders as expeditiously as possible and within a period of four weeks from today so that the aforesaid officers on reinstatement may join their duties.

Contd..

In the circumstances, the *lis in suo motu* writ petition in respect of the four officers stand closed.

Ms. Tanvi Dubey, learned counsel, who appeared for Sushri Sonakshi Joshi, also submitted that her client has accepted the aforesaid resolution.

It is needless to observe that these officers on regaining their original seniority as stated above, shall be granted continuity in service and all consequential benefits except back wages.

Insofar as Sushri Sarita Choudhary and Sushri Aditi Kumar Sharma are concerned, the Full Court has stated that Resolutions and Orders passed as against them cannot be revoked.

We appreciate the assistance rendered by learned senior counsel and learned *Amicus Curiae* and learned counsel who have appeared for the respective parties and particularly Shri Arjun Garg, who has appeared for the High Court.

List the matter on 24.09.2024 to hear regarding the case of other two judicial officers.

(NEETU SACHDEVA)
ASTT. REGISTRAR-cum-PS

(DIVYA BABBAR)
COURT MASTER (NSH)