

IN THE HIGH COURT OF MADHYA PRADESH  
AT JABALPUR

WP No. 20598 of 2024

(DEEPAK DAHIYA AND OTHERS Vs UNION OF INDIA AND OTHERS)

Dated : 02-08-2024

*Shri Dharmesh Chaturvedi, learned counsel for the petitioners.*

The matter relates to replacement of vocational trainers working in Higher Secondary Schools.

Learned counsel appearing for the petitioners at the outset submits that various other petitions have been filed and interim order has been passed in a bunch of cases including Writ Petition No.18703/2024 by a co-ordinate bench of this High Court on 17.07.2024 by taking into account the undertaking given by State in earlier Writ Petitions.

Learned counsel for the State could not point out any distinguishing fact in the present case and Writ Petition No.18703/2024. The Co-ordinate Bench in Writ Petition No.18703/2024 has passed the following interim order:-

*"By the instant petitions filed under Article 226 of the Constitution of India petitioners are challenging order dated 02.07.2024 (Annexure P/8) whereby an advertisement has been issued for appointing Vocational Trainers replacing the petitioners.*

*Shri Shashank Shekhar, learned Senior Advocate submits that this issue had come up before this Court on earlier occasion and Division Bench of this Court in W.P. No.13717 of 2021 has granted protection on an undertaking given for the petitioners by the State counsel and it is observed by the Court that the petitioners would not be required to undergo with fresh selection process through Vocational Training Providers because after undergoing the selection process, they have been found fit as having requisite qualification and as such they will not be required to go through any examination once again. Learned counsel for the petitioner has submitted that an advertisement has been issued showing the same qualification as has already been possessed by the petitioners and therefore, by inviting fresh applications, petitioners cannot be replaced by new candidates who will be appointed with the same status as has been given to the petitioners. He submits that the Division Bench has categorically observed that there should be a one time scrutiny so as to ascertain the qualification of the candidates and after getting satisfied in the scrutiny, the petitioners would be allowed to*

*continue and therefore, fresh scrutiny in respect of petitioners cannot be conducted and they should not be compelled to participate in the fresh selection process.*

*Although, Shri B.D. Singh, learned Deputy Advocate General appearing for the respondents on caveat has tried to establish in view of the developed circumstance that when new technology has come and more qualified and educated persons are required to be appointed so as to implement the vocational training programme, a fresh selection can be conducted in which some relaxation would be provided to the present petitioners so as to compete with the other new more qualified candidates and if they succeed even after granting some privileges then they would be allowed to continue. Learned counsel for the petitioners have submitted that this statement of respondents counsel is without any foundation because in the advertisement which is impugned in this petition, applications have been invited from open market candidates having same qualification and as such when appointment is to be made only on contract basis, the present petitioners who are contractual employees cannot be replaced by another set of contractual employees.*

*Considering the submissions made by learned counsel for the parties, learned counsel for the respondents i.e. learned counsel for the State and also learned counsel for the respondent Nos.1 and 2 are directed to submit their reply within a period of ten days satisfying this Court that selection is required in the developed circumstance and the State is required to appoint more qualified persons. However, till the next date of hearing, no further action shall be taken by the respondents in respect of appointment of new Vocational Trainers in place of petitioners."*

The said order shall apply with full force to the case of present petitioners also mutatis mutandis.

List alongwith Writ Petition No.18703/2024.

(VIVEK JAIN)  
JUDGE