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WA-2096-2024

IN THE HIGH COURT OF MADHYA PRADESH
AT GWALIOR

BEFORE

HON'BLE SHRI JUSTICE ANAND PATHAK

&

HON'BLE SHRI JUSTICE HIRDESH

ON THE 24th OF SEPTEMBER, 2024WRIT APPEAL No. 2096 of 2024*DEEPAK KUMAR JAIN AND OTHERS**Versus**THE STATE OF MADHYA PRADESH AND OTHERS*

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Appearance:

Shri Deependra Singh Raghuvanshi - Advocate for the appellants.

Shri Vivek Khedkar - Additional Advocate General for the respondents/State.

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ORDER

Per. Justice Anand Pathak

With consent heard finally.

1. The present appeal under Section 2(1) of the Madhya Pradesh Uchcha Nyayalaya (Khand Nyay Peeth Ko Appeal) Adhiniyam, 2005 is preferred by the appellant taking exception to the order dated 04-09-2024 passed by the learned Single Bench in Writ Petition No.25837 of 2024 whereby the writ petition preferred by the appellants has been dismissed.

2. Precisely stated facts of the case are that appellants were discharging their duties as Guest Faculties for last more than 10 years in their respective schools. State Government issued one instruction for Academic Session 2024-25 and stipulated that in the schools where Guest Faculties are serving resources and if get result 30% or less, then those Guest Faculties will be removed from the job.



3. In consequence thereof, appellants who were serving in their schools suffered result and ultimately they were removed from the job. Therefore, writ petition was preferred and learned Writ Court after considering the submission, dismissed the writ petition, therefore, appellants are before this Court.

4. It is the submission of learned counsel for the appellants that appellants served with utmost devotion and sincerity to the institution. Result was below 30% but in supplementary examination, result increased to 40%, therefore they be considered again.

5. Learned counsel for the respondents/State opposed the prayer and submits that the circular dated 24-07-2024 (filed as Annexure P/3 with writ petition) is detailed collection of instructions in which it has been stipulated in clause 3.1.2 that if the result of Guest Faculty teachers comes to below 30% then they would not be considered for continuation. In pursuance thereof, another direction by way of order dated 22-05-2024 (Annexure P/1) was issued in which said spirit was reiterated. In short, appellants who suffered result below 30% could not have been considered.

6. After considering the rival submission and going through the circular dated 24-07-2024 (Annexure P/3) as well as order dated 22-05-2024 (Annexure P/1) it appears that Directorate of Public Instructions has issued instruction in which benchmark for performance has been prescribed and understandably so because in educational system there has to be some accountability of teachers also, specially guest faculty teachers who are not in regular job, are also required to be perform better to ameliorate for better



exacting in life of students. They are Nation builders. Therefore, prescription of performance was just and proper and if appellants did not match the benchmark then no case for interference is made out. They have to contemplate their working. The appeal bereft of merits and is hereby dismissed. The order dated 04-09-2024 passed by learned Single Judge, is hereby affirmed.

7. Appeal stands **dismissed**.

(ANAND PATHAK)
JUDGE

(HIRDESH)
JUDGE

Anil*