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WA-2619-2026

IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE ANAND PATHAK

&

HON'BLE SHRI JUSTICE B. P. SHARMA

ON THE 14th OF AUGUST, 2026

WRIT APPEAL No. 2619 of 2026

MS USHA KIRAN GUPTA

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

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Appearance:

Shri Manan Agrawal - Advocate for appellant.

Ms. Kanak Gaharwar- Government Advocate for respondent nos. 1 to 3/State.

Shri Dileep Kumar Pandey - Advocate for respondent no.4.
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ORDER

Per. Justice Anand Pathak

The present writ appeal preferred under Section 2(1) of the Madhya Pradesh Uchha Nyayalaya (Khand Nyaypeeth Ko Appeal) Adhiniyam, 2005 by appellant taking exception to order dated 23.06.2026 passed in W.P. No.21736/2026, whereby petition preferred by respondent no.4 (petitioner therein) is disposed of with certain directions, which may be prejudicial to the cause of appellant. Therefore, appellant is before this Court.

2. It is the submission of learned counsel for appellant that she is working as Block Development Officer in Naigari, District Mauganj to Janpad Panchayat Kareli, District Narsinghpur. Since post of Janpad



Panchayat, C.E.O. Janpad Panchayat, Naigiri, District Mauganj was falling vacant because of non-availability of any Officer, therefore, from the post of B.D.O., she was transferred to the post of C.E.O., Janpad Panchayat, Naigari, District Mauganj on 06.06.2025. Now appellant is transferred to Japad Panchayat Kareli, District Narsinghpur in capacity of C.E.O., Janpad Panchayat, Kareli, District Narsinghpur. Since the post of C.E.O., Janpad Panchayat fell vacant, therefore, President of Janpad Panchayat Smt. Mamta Kunj Bihari Tiwari (respondent no.4 herein) filed a Writ Petition No.21736/2026 with a prayer that post of C.E.O., Janpad Panchayat, Naigari has fallen vacant because of transfer of present appellant, therefore, some new incumbent be posted so that work of Janpad Panchayat, Naigari may not be hindered.

3. Incidentally, present appellant was impleading as party-respondent, however, without giving an opportunity of hearing to her, a direction was given by learned writ Court, in which stay was granted till some other Officer is posted in place of present appellant. That is the predicament faced by appellant. Therefore, she is before this Court.

4. Counsel for appellant fairly submits that appellant wants to move to Janpad Panchayat, Kareli, District Narsinghpur, where she has been transferred earlier. She wants to join there. Respondents may make arrangement for fresh incumbent on the post of C.E.O., Janpad Panchayat at Naigari, District Mauganj.

5. Counsel for respondent no.4 submits that she is not interested in an individual like present appellant to be posted at Janpad Panchayat,



however, her anxiety is that developmental work of Janpad Panchayat, Naigari, District Mauganj be not hampered in absence of any person holding the post of C.E.O., Janpad Panchayat. Therefore, respondents/State be directed to post any fresh incumbent.

6. Considering the submissions and the fact that appellant is already transferred to Janpad Panchayat, Kareli, therefore, it is incumbent upon her to join there without delay.

7. So far as, new incumbent on the post of C.E.O., Naigari, District Mauganj is concerned, it is the duty of State to post any fresh incumbent as C.E.O., Naigari, District Mauganj so that development work at Janpad Panchayat, Naigari may not be hampered.

8. So far as direction given by learned writ Court for posting of any fresh incumbent is concerned stand affirmed. However, it is clarified that appellant shall be relieved from Janpad Panchayat, Naigari, District Mauganj to join transferred place of posting Janpad Panchayat, Kareli.

9. With aforesaid modification in impugned order, appeal stands allowed and disposed of.

10. Needless to say that posting of C.E.O., Janpad Panchayat, Naigari, District Mauganj shall be taken on priority basis at an expeditious note.

(ANAND PATHAK)
JUDGE

(B. P. SHARMA)
JUDGE

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