

SUPREME COURT OF INDIA**Bench: Justice Rajesh Bindal****Date of Decision: 12 December 2023.**

CIVIL APPEAL NO.786 of 2013

PRAFFUL SHUKLA AND OTHERS**... Appellant(s)****VERSUS****GOVERNMENT OF MADHYA PRADESH
AND OTHERS****... Respondent(s)****CIVIL APPEAL NO.787 OF 2013****Legislation:** None.**Subject:** Challenge against the merger of cadres in the Education Department and the appellants seeking the quashing of the merger order.**Headnotes:**

Civil Appeals - Challenge to High Court's judgment upholding merger of cadres in Education Department - Appellants sought quashing of the merger order - Policy decision of merger generally not interfered with - Examination of posts, responsibilities, and pay scales found them to be at the same level - No grounds to interfere with High Court's judgment - Appeals dismissed. [Para 4-6]

Personal Liberty - The appellants challenged the merger order affecting their seniority in the Education Department - However, the delay in raising the issue, promotions, and retirements over 24 years since the merger, show that immediate aggrieved officers did not challenge the merger - No violation of personal liberty found in the merger decision. [Para 5-6]

Decision - The Supreme Court upheld the High Court's judgment dismissing the appeals challenging the merger of cadres in the Education Department. [Para 7]

Referred Cases: None.

J U D G M E N T**RAJESH BINDAL, J.**

1. This judgment will dispose of above-mentioned two appeals as the common question of law and facts are involved. The facts are being noticed from Civil Appeal No.786 of 2013.

2. The judgment¹ passed by the Division Bench of the High Court² in Writ Appeal³ is under challenge before this Court. Vide aforesaid judgment, the order³ passed by the Single Judge of the High Court was upheld.
3. The writ petitions were filed by the appellants praying for quashing of the order dated 09.04.1999 vide which the staff in Adult Education Department was merged in Education Department and category-wise seniority was provided. The appellants were already working in the Education Department.
4. The Single Bench of the High Court, while referring to number of judgments of this Court, had opined that merger of cadres is a policy decision which cannot generally be interfered with. The argument raised by the writ petitioners before the High Court was that there could a better policy, could not be a ground to quash the same. The level of posts being merged was examined and it was opined that these were at the same level. The Division Bench of the High Court had also recorded a categoric finding to that effect. It was opined that the post of Assistant Director in Adult Education Department carried the same responsibilities as that of Assistant Director in the Education Department. Though there used to be slight difference of the pay scales, however that was also brought at par w.e.f. 01.01.1996. Even the Single Bench had also noticed that the State Government had considered the entire gamut of facts including educational qualifications, duties and responsibilities and pay scales before directing merger of the two cadres.
5. It was further pointed out at the time of hearing by learned counsel for the State that there were 17 writ petitioners before the High Court challenging the merger. Their placement in the seniority of Assistant Directors in the Education Department as on 01.01.2000 was at Sr. Nos. 48, 215, 250, 271, 536, 537, 543, 551, 559, 577, 579, 580, 588, 589, 594 and 595. The said fact

¹ Judgment dated 19/20.07.2010.

² High Court of Madhya Pradesh at Jabalpur. ³ Writ Appeal No. 353 of 2007.

³ Order dated 15.01.2007.

was not disputed at the time of hearing by learned counsel for the appellants. It shows that the first person in the seniority to challenge the merger was at Sr. No. 48. Thereafter, the next person was after a gap of 167 persons and then came Sr. Nos. 250, 271 and 536 onwards. Meaning thereby, other officers in the cadre who may be likely to be affected immediately with the merger, were not aggrieved with the action of the State. Twenty-four years have gone by. Number of promotions have taken place in between and many of the officers have retired after attaining the age of superannuation or otherwise are not in service for other reasons.

6. Keeping in view the aforesaid factual matrix, we do not find any reason to interfere with the impugned judgment of the High Court.
7. The appeals are dismissed.

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