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WA-1737-2026

IN THE HIGH COURT OF MADHYA PRADESH
AT GWALIOR

BEFORE

HON'BLE SHRI JUSTICE G. S. AHLUWALIA

&

HON'BLE SMT. JUSTICE ANURADHA SHUKLA

ON THE 9th OF JULY, 2026

WRIT APPEAL No. 1737 of 2026

VIRENDRA KUMAR SHARMA

Versus

ANURAG MISHRA AND OTHERS

&

WRIT APPEAL No. 1738 of 2026

RAJ KUMAR SHARMA ALIAS RAJU

Versus

ANURAG MISHRA AND OTHERS

.....
Appearance:

IN WRIT APPEAL No. 1737 of 2026

*Shri Prashant Sharma and Shri Nirmal Sharma - Advocates for
the appellant.*

Shri A.S. Bhadauria - Advocate for respondent No. 1.

*Shri Ravindra Dixit - Government Advocate for the respondent
Nos. 2 to 5 /State.*

AND

IN WRIT APPEAL No. 1738 of 2026

Shri Prashant Sharma and Shri Nirmal Sharma - Advocates



for the appellant.

Shri A.S. Bhadauria - Advocate for respondent No. 1.

*Shri Ravindra Dixit - Government Advocate for the
respondent Nos. 2 to 5 /State.*

ORDER

Per. Justice Anuradha Shukla

W.A. No. 1738/2026 has been filed assailing the decision of the writ Court passed on 22/04/2026 in W.P. No. 1597/2026 (Anurag Mishra vs. Rajkumar Sharma @ Raju), while W.A. No. 1737/2026 has arisen out of order passed on the same date in W.P. No. 1600/2026 (Anurag Mishra vs. Virendra Kumar Sharma @ Guddu and Ors.). Although, two different orders are assailed herein, the dispute is common in nature, hence, both these connected writ appeals are considered conjointly.

2. Two orders were passed by Additional Commissioner, Chambal Division, Morena on 30/12/2025 in cases No. 377 & 378/2024-25/appeal, holding that no fresh appointment of Pujari to the temple of Vankhandeshwar Mahadev is required and they were challenged in W.P. No. 1597/2026 and W.P. No. 1600/2026 by respondent herein, namely Anurag Mishra.

3. The chronology of the long litigation between the parties need to be summed up here. It is not in dispute is that the Sub Divisional Officer, Bhind passed an order on the death of Ahyodha Prasad, the earlier Pujari, and appointed his grand son Virendra Kumar as Pujari under order dated



10.05.1999. Prior to it, there was also an order dated 10/01/1995, appointing Rajkumar Sharma @ Raju as Pujari to that temple after the death of his father Pujari Vishwanath Sharma, although record related to this entry is not traceable. Respondent - Anurag Mishra filed an appeal before the Collector against both these orders and Collector under order dated 20/12/2010, directed to issue notice to show cause why fresh appointment of Pujari be not ordered and treat the order of Sub Divisional Officers as null and void. Instead of filing reply to the show cause notice, appellants Virendra Kumar Sharma and Rajkumar Sharma @ Raju preferred two revisions in the Court of Additional Commissioner, Chambal Division, Morena which were decided on 11/03/2011 by allowing them with a direction to Sub Divisional Officer that he would be free to enquire into the matter from time to time and proceed according to law, if he found any deficiency in service of the temple, etc.

4. This order was challenged in W.P. No. 3076/2011 & W.P. No. 3077/2011 and both of them were jointly decided on 21/02/2018 by the writ Court by setting aside the order under challenge dated 11/03/2011 and by effecting the revival of the order of the Collector dated 20/12/2010 with further direction to the Collector to start from where thread was left and to conduct enquiry, if required as per law.

5. The Court of Collector decided the matter afresh and held that none of the parties could produce any document to show the validity of their appointment as Pujari. It further held the post of Pujari as vacant and



accordingly directed the Sub Divisional Officer, Bhind to appoint Pujari in confirmation with the guidelines of Madhya Pradesh State Government.

6. Again this order was challenged before Additional Commissioner, Chambal Division, Morena in two different revisions filed by appellants Virendra Kumar Sharma and Rajkumar Sharma @ Raju and vide order dated 28/09/2020, their revisions were allowed with the matter being remanded back to the Collector.

7. Respondent - Anurag Mishra filed a review petition before the Additional Commissioner, Chambal Division, Morena and the earlier order was partly modified with direction that petitioner shall be given an opportunity to file his document for appointment to the post of Pujari. This order too was challenged by the respondent - Anurag Mishra in W.P. No. 6412/2022, wherein, it was held as under :-

"12....., in the conspectus of the facts and circumstances of the case, it appears that appropriate remedy would be to conduct inquiry if any substantial ground beyond the earlier inquiry report exist, otherwise Collector may proceed for fresh appointment in accordance with law in which all parties shall have right to participate. If inquiry is to be held then it be conducted at an expeditious note preferably within a period of six weeks from the date of submission of certified copy of the order so that correct facts may come to the fore."

8. The next round of litigation started when the order passed by the Collector dated 06/01/2025 rejecting the right of the respondent was challenged in a writ petition bearing W.P. No. 1234/2025. It was allowed vide order dated 17/01/2025 with following directions :-

"4. After hearing the parties, this Court finds that in W.P.



No.6413/2022 in para-12 there were specific directions for the Collector to make an inquiry if required or may proceed for fresh appointment in accordance with law in which all the parties shall have the right to participate and the said writ petition was preferred at the instance of present petitioner, therefore, he is also the person who would be entitled to participate in the process of fresh appointment. To the said extent, therefore, the order passed by Collector is not correct. Accordingly, the said observation made in the order of Collector dated, 06.01.2025 is hereby set aside.

5. However, it is made clear that the Competent Authority at the time of making fresh appointments shall be free to consider the entitlement/qualifications/disqualifications of the candidates and thereafter shall make fresh appointment in accordance with law and according to the Circular dated, 04.02.2019."

9. In R.P. No. 718/2025 preferred by appellant Rajkumar Sharma @

Raju decided on 05/05/2025 following direction was given:-

"4. After hearing counsels for the parties and going through the records, this Court finds the prayer so made by counsel for the petitioner to be reasonable and would not prejudice the case of Respondent, if accepted, thus, deems it fit to dispose of the present Review Petition with an observation that the findings recorded by this Court vide impugned order dated 17.01.2025 shall not come in way of the Revisional Authority while concluding the proceedings before it on merits. However, the revisional authority is directed to conclude the proceedings within a period of four weeks from the date of receipt of certified copy of this order."

10. The orders passed on 06/01/2025 by Collector, Bhind were also assailed in two different appeals namely 377 and 378/2024-2025/Appeal by appellants. Aggrieved of the orders passed in appeals by Additional Commissioner on 30/12/2025, two separate writ petitions were filed by respondent - Anurag Mishra and present writ appeals are the result of the decisions passed by the writ Court in said petitions.

11. From above facts, it is paramount clear that whenever the jurisdiction



of this Court was invoked, whether it be in the exercise of writ jurisdiction or in review jurisdiction, directions were given to the concerned revenue authority to conduct enquiry, if it deems necessary, and start afresh the procedure of appointment of Pujari. It has been very aptly observed by the writ Court under the impugned orders that despite non-availability of original record, the direction of initiation of fresh appointment proceedings has been flagrantly violated. The writ Court has also observed that such an approach is contrary to the repeated directions issued by this Court and is, therefore, not sustainable in the eyes of law.

12. This pertinent observation highlights that in repeated petitions that were brought by the parties before this Court, directions were being issued and they were attaining finality for having been not challenged in higher Court. The writ Court has also very relevantly observed that long continuance in service cannot validate the appointment to the post of Pujari nor subsequent recognition or administrative correspondence substitute a valid appointment proceedings. The right to the post of Pujari is neither perpetual in nature nor is it inheritable. Further no impropriety can be argued on the basis that earlier orders of appointment were not challenged timely. Appellants have questioned the reluctance on the part of respondent- Anurag Mishra in participating the enquiry ordered earlier, but it is not comprehensible whether appointment to the post of Pujari can at all be made without holding any enquiry. Contrarily, it appears that resting their claim on some old documents, appellants are avoiding the neutral process of appointment, as it would put them at par with others for ascertaining the



eligibility and suitability to the post. The writ Court has validly held that the order passed by learned Additional Commissioner, Chambal Division, Morena on 30/12/2025 in deciding appeals suffer from legal infirmity of being in violation of earlier orders of this Court.

13. We, therefore, on holistic consideration of facts, find no impropriety and illegality in the orders passed by the writ Court in deciding the writ petitions bearing W.P. No. 1597/2026 & W.P. No. 1600/2026. The legal procedure prescribed for appointment of Pujari in Vankhandeshwar Mahadev Mandir, which is under the management of State Government, can be made only in compliance with the procedure defined in the order of Ministry of Adhyatam (Spiritual) Department, Vallabh Bhawan, State of Madhya Pradesh dated 04/02/2019 bearing order No. F 7-3/2019/68 and related provisions of law. In the end, we express our concerned hope that this time Authority would not yield to the proclamations that may be made by the parties about their rights based on inheritance and long usage of office and shall pass an insightful order by expeditiously appointing the best suitable candidate to the post in dispute.

14. Accordingly, finding no merit in these writ appeals, they are dismissed.

(G. S. AHLUWALIA)
JUDGE

Durgekar

(ANURADHA SHUKLA)
JUDGE