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**IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR
WP No. 17387 of 2023**

(VARSHA PATEL Vs STATE OF MADHYA PRADESH AND OTHERS)

Dated : 01-12-2023

*Shri Rameshwar Singh Thakur and Shri Vinayak Prasad Shah -
Advocates for petitioner.*

Shri Suyash Thakur - Government Advocate for respondent No.1.

*Shri Aditya Adhikari - Senior Advocate with Shri Eizaz Siddiqui -
Advocate for respondent No.2/High Court of M.P.*

The challenge herein is to the Madhya Pradesh Judicial Service (Recruitment and Conditions of Service) Rules, 1994 (for short the "the Rules of 1994") as amended. Presently it is being contended that the relaxation in marks as provided to the Scheduled Castes and Scheduled Tribes candidates is not being extended to the OBC category candidates. The OBC category candidates are being considered along with the General category candidates. Therefore, since the OBC category candidates are also entitled for reservation, they should also be extended relaxation in marks, which has been denied to them in terms of Rules 5(3) and (4) of the Rules of 1994. So also is the case for relaxation of marks in the proviso to Rule 7(g) of the Rules of 1994. The further contention is that the reservation should be provided at all stages of the selection process. Various other grounds have also been urged. Therefore, it is pleaded that the OBC category candidates should also be given the same concession, as has been given to the Scheduled Castes and Scheduled Tribes candidates.

2. Shri Aditya Adhikari, learned senior counsel appears for counsel representing the respondent No.2/High Court of M.P. He submits that he has

received the notice of the petition only two days back and therefore requires time to file his reply.

3. However, the applications for recruitment to the posts of Civil Judge Junior Division (Entry Level), Exam - 2022 have been called for by the High Court and the last date for submission of the applications is 18.12.2023. Prima facie, we are of the view that the relaxation as being provided to the Scheduled Castes and Scheduled Tribes candidates requires to be provided even to the OBC category candidates. However, no relaxation is being provided to the OBC category candidates in the impugned Regulations. Since they are being classified along with the unreserved category candidates, therefore, prima facie, we are of the view that the rights of those candidates who belong to the OBC category are being affected in view of no concession being granted to them on par with the Scheduled Castes and Scheduled Tribes candidates and on the contrary they are being classified along with the unreserved category candidates.

4. Therefore, for the interregnum, we deem it just and necessary that the relaxation of marks that is being provided to the Scheduled Castes and Scheduled Tribes candidates in Rule 5(3) and (4) as well as the proviso to Rule 7(g) of the Rules of 1994 requires to be relaxed. Therefore, it is directed that the OBC category candidates are required to secure at least 55% marks in the preliminary examination and 45% marks in each paper and 50% marks in aggregate in the main examination, which shall be similar to the relaxation of marks for the Scheduled Castes and Scheduled Tribes candidates. Furthermore, with regard to proviso to Rule 7(g) of the Rules of 1994, the requirement of securing 70% marks by the OBC category is modified for a requirement that they shall secure at least 50% marks in aggregate, which is

similar to the relaxation being granted to the Scheduled Castes and Scheduled Tribes candidates. The rest of the conditions in terms of Rule 5(3) and (4) as well as the proviso to Rule 7(g) of the Rules of 1994 shall remain unaltered. The same shall be subject to further orders of this Court. The High Court shall issue a corrigendum to the said effect.

5. The learned senior counsel submits that the corrigendum would be issued within a period of three working days.

6. Rest of the contentions will be considered after the reply has been filed. It is needless to state that on the issuance of the corrigendum, the same would be applicable not only to the petitioner but for every eligible candidate. The grant of the interim order herein and the subsequent proceedings thereto will not create any equity in favour of the candidates so taking the benefit.

7. Call after vacation.

(RAVI MALIMATH)
CHIEF JUSTICE



(VISHAL MISHRA)
JUDGE