

IN THE HIGH COURT OF MADHYA PRADESH
AT GWALIOR

WP No. 9096 of 2024

(DR. (MRS) ANURADHA GUPTA Vs THE STATE OF MADHYA PRADESH AND OTHERS)

Dated : 19-03-2025

Shri D.P.Singh - Advocate for petitioner.

Shri Ravindra Dixit - Government Advocate for respondents No.1 to
4/State.

Shri Gaurav Mishra - Advocate for respondent No.5.

Shri Pawan Kumar Dwivedi - Advocate for respondent No.6.

It is the case of petitioner that there is no post like Health Officer in the Municipal Corporation. Earlier the post was known as Health Officer but now it has been redesignated as Chief Sanitary Officer. The said post is to be filled up by 100% promotion from the post of Sanitary Officer and the post of Sanitary Officer is to be filled up by 100% promotion from the post of Assistant Sanitary Officer. Minimum qualification for the post of Assistant Sanitary Officer is MBBS. Respondent No.6 is not MBBS and therefore, he was not entitled to hold the post of Health Officer or in other words Chief Sanitary Officer.

2. Respondent No.3 has filed return and submitted that vide letter dated 31.05.2023 Urban Administration and Housing Department sought information regarding vacancy, pay scale and consent of respondent No.3 for deputation of Dr. Anuj Sharma to the post of Health Officer. Respondent No.3 apart from furnishing the other information also gave a No Objection Certificate. Accordingly, by order dated 04.08.2023 Dr. Anuj Sharma was deputed to the post of Health Officer in the department of Urban Administration and Development and by order dated 18.08.2023 he was sent on deputation to the Municipal

Corporation, Gwalior on the post of Health Officer. Thus, it is the stand of respondent No.3 that entire exercise was done at the behest of Department of Urban Administration and Development.

3. Respondents No.1 and 2 have filed their return. However, it is made clear that manner in which return has been filed, is also really shocking. The OIC has signed general index as OIC of respondents No.1 and 2 whereas cause title of return says that it is short return on behalf of respondent No.2 i.e. Principal Secretary, Department of Veterinary Services and respondent No.4 i.e. Director Veterinary Services and Animal Husbandry. Thereafter, return has been signed by OIC in the capacity of OIC of respondents No.1 and 2. Affidavit has been filed by Dr. R.K. Tyagi by claiming himself to be the OIC of the case, but he has not clarified as to whether he has signed that affidavit in the capacity of OIC on behalf of respondents No.2 and 4 or respondents No.1 and 2.

4. Be that what ever it may be.

5. In this return, entire burden has been put on the State. Respondents have filed a copy of letter dated 02.02.2023 written by Urban Administration and Development Department which was written to the Principal Secretary, Veterinary Services and Animal Husbandry asking him to provide certain information for posting of Dr. Anuj Sharma on deputation. Accordingly, Under Secretary of State of Madhya Pradesh, Veterinary Services and Animal Husbandry gave his report. Thus, respondents No.2 and 4 have tried to put the entire burden on respondents No.1 and 3. Respondents No.1 and 3 have not filed their return.

6. However, one thing is clear that respondent No.6 was posted against a non-existing post that too when he is not holding the MBBS degree.

7 .Petitioner has filed copy of letter dated 14.05.2020 written by

Administrator Municipal Corporation, Gwalior for repatriation of various officers who were posted on deputation. From this letter, it appears that as many as 62 officers/employees have been posted in Municipal Corporation, Gwalior on deputation. The manner in which respondent No.6 was sent on deputation on non-existing post, specifically when he was not holding the minimum qualification also speaks in volumes about manner of posting certain officers on deputation.

8. Accordingly, respondent No.5 is directed to file detailed return pointing out the details of officers who are working on deputation including the period of their posting. Respondent No.5 shall also point out that **how many employees of Municipal Corporation** are actually working in the Municipal Corporation and why the Municipal Corporation is not taking any steps to make regular appointments. Further respondent No.5 shall also point out as to why the employees who are on deputation are not being repatriated.

9. Counsel for respondents No.1 and 3 is granted last opportunity of two weeks' to file detailed return and respondents No.1 and 3 is also directed to explain as to what prompted them to initiate the proceedings for sending respondent No.6 on deputation to the Municipal Corporation, Gwalior. The entire record be produced on the next date of hearing.

10. If the proceedings were initiated on the application of respondent No.6, then copy of said application shall also be filed alongwith the return. Respondents No.1 to 5 are also directed to clarify as to how they can post a veterinary doctor against post for which the minimum qualification is MBBS. Although a veterinary doctor was posted as a Health Officer/Sanitary Officer in the Municipal Corporation, Gwalior, but still numbers of dog bites were alarming and even small kids have suffered severe dog bites.

11. It is submitted by counsel for respondent No.5 as well as respondent

No.6 that by virtue of order dated 13.03.2025, respondent No.6 has been relieved.

12. Under hope and belief that he shall not be sent on a deputation to any corporation for which he is not holding the requisite qualification, interim order dated 13.03.2025 shall continue till final disposal of this case.

13. List this case on 03.04.2025.

(G. S. AHLUWALIA)
JUDGE

Rashid