

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

SMW (C) No. 2/2023

IN RE: TERMINATION OF CIVIL JUDGE, CLASS-II (JR. DIVISION)
MADHYA PRADESH STATE JUDICIAL SERVICE Petitioner(s)

VERSUS

Respondent(s)

(FOR ADMISSION)

(Mr. Gaurav Agarwal, Advocate as Amicus Curiae)
I.A D. Nos.3955/2024 and 3956/2024

Date : 12-01-2024 This petition was called on for hearing today.

CORAM :

HON'BLE MRS. JUSTICE B.V. NAGARATHNA
HON'BLE MR. JUSTICE SANJAY KAROL

Mr. Gaurav Agrawal, AOR (Amicus Curiae)

For Parties

By Courts Motion, AOR

Mr. P. S. Patwalia, Sr. Adv.
Ms. Tanvi Dubey, Adv.
Dr. Charu Mathur, AOR
Mr. Mekala Ganesh Kumar Reddy, Adv.

Ms. Rekha Pandey, AOR

UPON hearing the counsel the Court made the following
O R D E R

Six women Judicial Officers serving in the State of Madhya Pradesh (Civil Judges, Junior Division) were terminated on the recommendation of the Madhya Pradesh High Court.

Being aggrieved by the same, three of the Judicial Officers had made a representation to Hon'ble the Chief Justice of India dated 02.09.2023.

On considering the said representation, by an administrative Order dated 11.11.2023, Hon'ble the Chief Justice of India directed that the matter be registered by way of Suo Moto Writ Petition.

Shri Gaurav Agrawal, learned amicus curiae submitted that the matter was registered on 07.12.2023, but by then, one of the Judicial Officers, Ms. Sonakshi Joshi, had filed Writ Petition (C) No.849/2023, invoking Article 32 of the Constitution of India before this Court. However, by Order dated 22.08.2023, she withdrew the said writ petition with liberty to secure relief from the Madhya Pradesh High Court.

It must also be mentioned that three other Officers, namely, (1) Ms. Rachna Atulkar Joshi; (2) Ms. Jyoti Varkade and (3) Ms. Priya Sharma, who had also filed Writ Petition (C) Nos.1325, 1339 and 1357 of 2023 respectively under Article 32 of the Constitution of India also sought permission of this Court to withdraw their writ petitions with liberty to approach the Madhya Pradesh High Court.

However, it must be noted that these four petitioners, who withdrew their writ petitions from this Court were not aware of the fact that this Court had registered Suo Moto Writ Petition as Hon'ble the Chief Justice of India had taken cognizance of their grievance and had directed on 11.11.2023 itself that a Suo Moto Writ Petition be registered insofar as all these Judicial Officers are concerned.

It is also stated at the Bar by learned amicus curiae that three of the Officers, namely, (1) Ms. Rachna Atulkar Joshi; (2) Ms. Jyoti Varkade and (3) Ms. Priya Sharma, have also approached the Madhya Pradesh High Court but the matter is not yet taken up by the High Court as such, whereas the petitioner Ms. Sonakshi Joshi, who withdrew her writ petition vide Order dated 22.08.2023 has not

approached the Madhya Pradesh High Court. This implies that three other Officers have also not approached the High Court.

Since Hon'ble the Chief Justice of India had directed that Suo Moto Writ Petition be registered insofar as all these six Officers are concerned, we think that notice must be issued to them in these matters by also taking into consideration the fact that an application has also been filed on behalf of one of the Officers, Ms. Sonakshi Joshi, i.e., I. A. D. No.3955/2024.

Therefore, issue notice to these Officers as well as to the Registrar General of the Madhya Pradesh, returnable on 02.02.2024.

Ms. Rekha Pandey, learned counsel, who is present in the Court accepts notice on behalf of Ms. Rachna Atulkar Joshi; Ms. Jyoti Varkade and Ms. Priya Sharma. Registry to show her name as counsel for them.

Dr. Charu Mathur, learned counsel submits that she appears for Ms. Sonakshi Joshi.

Registry to ascertain the correct address of Ms. Aditi Sharma and Ms. Sarita Choudhary and issue notice to them. Learned amicus curiae to also apprise these two Judicial Officers about the proceedings in this case.

We have heard Shri P. S. Patwalia, learned senior counsel for the impleading applicant and having regard to the fact that notice has been issued in the Suo Moto Writ Petition, the application for intervention/impleadment (I.A D. No.3955/2024) also stands disposed of accordingly.

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Learned senior counsel further submitted that he does not press I.A D. No.3956/2024 since the notice has been issued in the Sua Moto Writ Petition. His submission is placed on record.

Consequently, I.A D. No.3956/2024 is dismissed as not pressed.

(NEETU SACHDEVA)
ASTT. REGISTRAR-cum-PS

(MALEKAR NAGARAJ)
COURT MASTER (NSH)