

मध्य प्रदेश शासन  
सामान्य प्रशासन विभाग  
मंत्रालय

क्रमांक: 3/1/2/0366/2025-GAD-3-01

भोपाल दिनांक: 30.06.2026

प्रति,

1. भारसाधक सचिव, समस्त विभाग
2. समस्त विभागाध्यक्ष
3. समस्त जिला कलेक्टर

विषय: - मध्य प्रदेश लोक सेवा पदोन्नति नियम 2025 के अंतर्गत पदोन्नति की प्रक्रिया प्रारंभ करने के संबंध में विधिक परामर्श।

संदर्भ: - महाधिवक्ता का पत्र क्रमांक 4829, दिनांक 29/6/2026।

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कृपया मध्य प्रदेश लोक सेवा पदोन्नति नियम 2025 के संदर्भ में महाधिवक्ता, मध्य प्रदेश के विधिक परामर्श का अवलोकन करें। महाधिवक्ता द्वारा वरिष्ठ अधिवक्ता श्री सी.एस. वैद्यनाथन की कानूनी राय प्राप्त की गयी है जिन्होंने माननीय उच्च न्यायालय में लंबित विभिन्न रिट याचिकाओं में राज्य सरकार का पक्ष रखा था।

कृपया महाधिवक्ता एवं श्री सी.एस. वैद्यनाथन, वरिष्ठ अधिवक्ता के विधिक परामर्श के अनुसार आवश्यक कार्यवाही किया जाना सुनिश्चित करें।

संलग्न: उपरोक्तानुसार



(अजय कटेसरिया)


अपर सचिव  
सामान्य प्रशासन विभाग

पु. क्रमांक: 3/1/2/0366/2025-GAD-3-01

भोपाल दिनांक: 30.06.2026

प्रतिलिपि:-

1. अपर मुख्य सचिव, माननीय मुख्यमंत्रीजी, मंत्रालय, भोपाल।
2. उप सचिव, मुख्य सचिव कार्यालय, मंत्रालय, भोपाल।
3. निज सहायक, अपर मुख्य सचिव, सामान्य प्रशासन विभाग, मंत्रालय, भोपाल।



अपर सचिव  
सामान्य प्रशासन विभाग

**Prashant Singh**

**Advocate General**  
Madhya Pradesh



D.O. No. 4829

**OFFICE OF THE ADVOCATE GENERAL**  
Madhya Pradesh, Jabalpur, PIN-482007

Phone : (0) 0761- 2678740, 2678185

Date : .....

**29/6/2026**

To,

The Additional Secretary,  
Govt. of Madhya Pradesh,  
General Administration Department,  
Mantralaya, Bhopal.

Sub: - Legal opinion regarding initiation of promotion proceedings under the M.P. Public Service Promotion Rules 2025.

Ref:- Your Letter No.3/1/2/ 0366/ 2025- GAD-3-01(GAD)- Part (1) Dt. 23/6/2026.

As discussed we have obtained legal opinion of learned Senior Advocate Shri C.S. Vaidyanathan, who represented the State Government in various writ petitions pending before the Hon'ble High Court relating to the challenge made to the provisions of M.P. Public Service Promotion Rules 2025.

Shri C.S. Vaidyanathan, Senior Advocate was the Senior Counsel appointed by the State Government to represent the cause of State Government in the above referred writ petitions pending consideration before the Hon'ble High Court. Thus, I have forwarded the letter no.3/1/2/0366/ 2025- GAD-3-01 (GAD) – Part (1) dt.23/6/2026 for obtaining his legal opinion in the issue subjected above. I have received copy of the legal opinion dt.27/6/2026 and the same is forwarded to your Office for your kind perusal and necessary action.

Kindly take the legal opinion dt.27/6/2026 of Senior Advocate Shri C.S. Vaidyanathan on record and do the needful.

Regards.

**Encl:** Legal opinion dt.27/6/2026  
digitally signed by the Senior  
Advocate Shri C.S. Vaidyanathan

**(PRASHANT SINGH)**  
**ADVOCATE GENERAL**

**Copy to: -**

The Chief Secretary. Govt. of M.P. Vallabh Bhawan, Bhopal.

**(PRASHANT SINGH)**  
**ADVOCATE GENERAL**

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advprashantsinghassociates@gmail.com

*C. S. Vaidyanathan*

Senior Advocate

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OPINION

June 27, 2026

RE: Initiation of Promotion Proceedings under the Madhya Pradesh Public Service Promotion Rules, 2025

Upon consideration of the facts placed for opinion, it is noted that on the first day of hearing of the writ petitions challenging the validity of the Madhya Pradesh Public Service Promotion Rules, 2025, the State gave an oral and informal assurance before the Hon'ble High Court that promotions would not be effected during the pendency of the proceedings. This assurance was given with the understanding that the matter would be heard and decided expeditiously. It was intended only to facilitate an early hearing of the case. The assurance was neither recorded in any judicial order nor incorporated into any direction of the Court restraining the State from exercising its statutory powers.

Thereafter, the petitions were heard at length and the matter was finally reserved for judgment on 17.02.2026. However, before the judgment could be pronounced, one of the Hon'ble Judges was elevated to the Hon'ble Supreme Court and the other Hon'ble Judge was transferred. Consequently, the reserved judgment could not be delivered. The matters are now required to be heard afresh before a newly constituted Bench. This has materially altered the circumstances in which the assurance was originally given. The expectation of an early decision no longer survives, and the final adjudication is likely to take considerable time.

It is also pertinent that the Hon'ble High Court has not passed any interim order staying the operation or implementation of the Madhya Pradesh Public Service Promotion Rules, 2025. The Rules, therefore, continue to remain valid and enforceable. An oral assurance, which was never recorded by the Court, cannot be treated as an indefinite restraint on the exercise of statutory powers. This is particularly so when the circumstances on the basis of which the assurance was given have substantially changed.

The Hon'ble Supreme Court, in its judgments of *Bank of Baroda v. Sadruddin Hasan Daya*, (2004) 1 SCC 360, and *Patanjali Ayurved Limited, In Re through its Managing Director, Acharya Balkrishna and Baba Ramdev*, (2024) 19 SCC 193, has consistently held that a binding undertaking to the Court must either be given on affidavit or be expressly recorded in the order of the Court.

It is also noted that, in the reply filed by the State in the pending contempt proceedings, reference has been made to the aforesaid oral assurance given before the

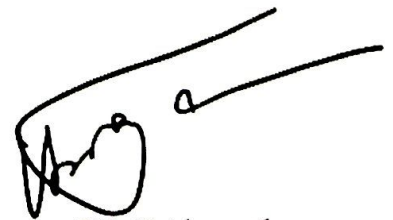
Hon'ble High Court. However, such reference does not alter the legal position. The assurance was informal in nature and was not recorded as an undertaking accepted by the Court or incorporated in any judicial order. Further, the factual circumstances have materially changed since the assurance was given. The matter, which was expected to be decided expeditiously, is now required to be heard afresh.

The State has further pointed out that it is presently functioning at only about 40% of its sanctioned strength. Promotions have remained stalled for nearly a decade. As a result, a large number of higher posts continue to remain vacant. This has adversely affected the functioning of several departments and has caused serious administrative difficulties. The absence of promotions has also delayed recruitment to lower posts because vacancies in the promotional hierarchy have not been filled. In these circumstances, it is neither feasible nor in the larger public interest to continue withholding promotions until the fresh hearing is concluded.

It is further significant that the proposed course finds direct support in binding precedent. In *State of Madhya Pradesh v. Vinay Kumar Babele* (SLP (Civil) No. 5868 of 2023), as well as in a series of orders passed by the Benches of the Hon'ble High Court, it has been held that the pendency of a challenge to the Rules does not disable the State from convening DPCs and granting promotions, provided that such promotions are expressly made subject to the final outcome of the pending litigation and to the final judgment of the Hon'ble Supreme Court. The State Government thus has the benefit of express judicial sanction to proceed with conditional promotions. This authority furnishes a far sounder foundation for the proposed course than the mere absence of an interim stay, and ought to be expressly relied upon in any decision that is taken.

In view of the above, the State Government may take an appropriate decision regarding the convening of DPCs under the Madhya Pradesh Public Service Promotion Rules, 2025. Such promotions, if conducted, should remain subject to the final outcome of the pending writ petitions, consistent with the directions in *Vinay Kumar Babele*, and any further orders that may be passed by the Hon'ble High Court or the Hon'ble Supreme Court. It must equally be borne in mind that promotions effected now and subsequently unsettled by the final judgment may cause considerable administrative disruption; the decision to proceed is therefore ultimately one of weighing this risk against the administrative exigencies set out above.

I opine accordingly.



C.S. Vaidyanathan  
Senior Advocate