CGHC010413762026 2026:CGHC:45546

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 7715 of 2026

Akta Tiwari W/o Vikas Tiwari Aged About 42 Years R/o House No A/220, Ward No 09, Agya Nagar, Bilaspur, District And Tehsil Bilaspur, Chhattisgarh.

... Petitioner(s)

SHOAIB ANWAR Digitally signed by SHOAIB ANWAR Date: 2026.10.29 11:13:38 +0530

versus

1 - State Of Chhattisgarh Through The Secretary, Education Department, Mahanadi Bhawan, Naya Mantralaya, Naya Raipur, District Raipur, Chhattisgarh.

2 - General Administration Department, Cg Govt, Mahanadi Bahavan, Mantralay Naya Raipur (C.G.).

3 - State Of Chhattisgarh Through The Secretary, Finance Department Mahandi Bhawan, Naya Mantralaya, Naya Raipur, District Raipur, Chhattisgarh.

4 - State Of Chhattisgarh Through Public Education Department

Mahanadi Bhawan, Naya Mantralaya, Naya Raipur, District Raipur, Chhattisgarh.

5 - In The Office Of Collector (Panchayat Branch) Balod, District Balod, Chhattisgarh.

6 - Joint Director Treasury Acoounts And Pension Department, Balod Chhattisgarh.

7 - Short-Hand And Type Writing Computer Skill Test Council Mahanadi Bhawan, Naya Mantralayay, Naya Raipur, District Raipur, Chhattisgarh.

... Respondent(s)

(Cause title taken from CIS)

For Petitioner(s)	**:**	Shri Sudhanshu Kumar Singh, Advocate
For Respondent(s)	**:**	Ms. Vartika Shrivastava, Panel Lawyer

(Hon'ble Shri Justice Bibhu Datta Guru)

Order on Board

28.10.2026

1. The petitioner has approached this Court seeking grant of annual increments which, according to her, have been withheld on account of non-compliance of the condition relating to passing of the Hindi Typing Skill Test.
2. (A) Learned counsel for the petitioner submits that, so far as the claim for grant of annual increments is concerned, the

same deserves to be considered in accordance with the applicable policy. It is submitted that annual increments are granted on the basis of good conduct of the employee and the petitioner cannot be deprived of the same for an omission which is attributable to the respondent authorities. Learned counsel for the petitioner further submits that a similar issue has already been considered by this Court in WPS No.2128 of 2013. It is further submitted that the petitioner was appointed on compassionate grounds and, as per the policy governing such appointment, she was required to pass the Hindi Typing Skill Test. However, from the year 2013 till 2023/2024, the requisite examination was not conducted. Consequently, the petitioner could not appear in the said examination despite the condition prescribed under the policy.

(B) Learned counsel for the petitioner submit that the respondent authorities themselves have admitted that the Hindi Typing Examination could not be conducted. It is submitted that subsequently the examination was proposed to be conducted at the district level in the year 2023, but the same was cancelled after a decision was taken to conduct the examination on a centralized basis through the Directorate of

Public Instruction. Learned counsel for the petitioner submit that the petitioner cannot be made to suffer for the failure of the respondent authorities to conduct the Hindi Typing Skill Test within the period prescribed under the policy. According to him, if the examination itself was not conducted, the petitioner cannot be denied the benefit of annual increments on the ground that she had not passed the said examination.

3. Per contra, learned counsel appearing for the respondents submits that the condition regarding passing of the Hindi Typing Skill Test is contained in the applicable policy and, therefore, the petitioner cannot claim the benefit of increment contrary to the said condition. It is submitted that the examination was subsequently conducted through the Directorate of Public Instruction and the petitioner is required to comply with the prescribed condition.

4. Heard learned counsel for the petitioner as well as learned counsel appearing for the respondents.

5. From the material placed on record, it is not in dispute that the policy governing compassionate appointments contains a specific condition regarding passing of the Hindi Typing Skill Test. The relevant provision contemplates that the person

appointed on compassionate grounds is required to pass the Hindi Typing Skill Test within the period prescribed therein. The policy further provides for extension of the period in the circumstances contemplated therein and also contains a provision regarding the consequence of passing the examination and grant of increment.

6. The respondents themselves have stated that though an examination was proposed to be conducted at the district level in the year 2023, subsequently a decision was taken to conduct the examination on a centralized basis through the Directorate of Public Instruction and, accordingly, the earlier proposed examination was cancelled. Thereafter, the responsibility of conducting the Hindi Typing Examination was entrusted to the Directorate of Public Instruction and, pursuant to the notice dated 22.03.2024, the examination was conducted on 12.05.2024 and 19.05.2024.

7. Thus, the record indicates that for a considerable period the requisite Hindi Typing Skill Test was not conducted in the concerned district. In such circumstances, the petitioner cannot be said to have deliberately avoided or refused to appear in the examination. The inability of the petitioner to

comply with the condition of passing the skill test during the relevant period cannot, therefore, be attributed solely to the petitioner when the examination itself was not being conducted by the respondent authorities.

8. The condition prescribed under the policy cannot be disputed. The petitioner, therefore, are required to comply with the said condition. However, the benefit of annual increment for the intervening period i.e. from the date of appointment till passing the examination of Hindi Typing Skill Test cannot be denied merely on the ground that the petitioner could not pass an examination which was not conducted by the respondent authorities during the relevant period. In view of the aforesaid facts and circumstances, the petitioner is entitled to consideration of her claim for grant of annual increments for the period in question. However, for further entitlement to increments and for regularization, the petitioner shall be required to appear in and qualify the Hindi Typing Skill Test in accordance with the applicable policy.

9. In view of the aforesaid facts and circumstances, the respondents are directed to grant to the petitioner the annual increments which became due to her, subject to her date of

appointment and her entitlement under the applicable service rules/policy. The said benefit shall not be denied to the petitioners merely on the ground that she had not passed the Hindi Typing Skill Test during the aforesaid period. It is, however, made clear that for her further entitlement to annual increments and for regularization, the petitioner shall be required to appear in and qualify the Hindi Typing Skill Test in accordance with the applicable policy.

10. The respondents shall accordingly re-fix the pay of the petitioner by granting the aforesaid increments by examining the entitlement of the petitioner in accordance with her date of appointment and passing of the examination by her in accordance with law, within a period of three months from the date of receipt of a copy of this order.

11. The petition is accordingly allowed to the aforesaid extent.

Sd/-

(Bibhu Datta Guru)

JUDGE

Shoaib