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SOURABH BHILWAR
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HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 7636 of 2026

1 - Chagan Lal Patel S/o Shri Dashrath Lal Patel Aged About 33 Years Initial Appointed As A Assistant Grade -3 At Govt. Higher Secondary School Baghmara, Block- Balod, Distt. - Balod C.G.

2 - Praveen Kumar Chandrakar S/o Late Shri Hemant Kumar Chandrakar Aged About 33 Years Posted As A Assistant Grade - 3 At Govt. Higher Secondary School Khuteri/khe, Block Gunderdehi, Distt. Balod C.G.

3 - Devendra Kumar Rawte S/o Goverdhan Singh Aged About 27 Years Initial Appointed As A Assistant Grade-3 At Govt. Girls High School Ghotiya, Block Daundi, Distt. Balod C.G.

4 - Praveen Kumar Arya S/o Late Shri Likhan Singh Arya Aged About 26 Years Initial Appointed As A Assistant Grade-3 At Govt. High School Chipra (T- Cadre), Block Daundi, Distt. Balod C.G.

5 - Vijay Kumar Thakur S/o Late Shri Chandu Lal Thakur Aged About 30 Years Initial Appointed As A Assistant Grade-3 In The Office Of Block Education Officer Daundi, Block Daundi, Distt. Balod C.G.

6 - Laxmi Narayan Badhai S/o Late Shri Bhagwati Prasad Bai Aged About 30 Years Initial Appointed As A Assistant Grade-3 At Govt. Higher Secondary School Sanjari, Block - Daundilohara, Distt - Balod C.G.

7 - Jagdish Prasad S/o Late Shri Lilu Ram Sahu Aged About 24 Years Initial Appointed As A Assistant Grade-3 At Govt. Girls Higher Secondary School Nepani, Block - Balod, Distt - Balod C.G.

8 - Chandraprakash Ramteke S/o Late Uday Ramteke Aged About 39 Years Initial Appointed As A Assistant Grade-3 At Govt. Higher Secondary School Beloda, Block - Rajhara, Distt - Balod C.G.

9 - Vedprakash Sahu S/o Late Shri Jeevan Lal Vanpal Aged About 28 Years Initial Appointed As A Assistant Grade-3 At Govt. Higher Secondary School Kannewada , Block - Balod, Distt - Balod C.G.

10 - Kumari Anuradha D/o Late Shri Chinta Ram Gore Aged About 28 Years Initial Appointed As A Assistant Grade-3 At Govt. Higher Secondary School Tatenga, Block - Daundilohara, Distt - Balod C.G.

11 - Deepesh Kumar Sahu S/o Late Shri Ripu Sudan Sahu Aged About 36 Years Initial Appointed As A Assistant Grade-3 At Govt. Higher Secondary School Piperchedi, Distt - Balod C.G.

12 - Shri Venugopal Dilliwar S/o Late Shri Hirman Singh Dilliwar Aged About 35 Years Initial Appointed As A Assistant Grade-3 At Govt. Higher Secondary School Bhainsbor, Block Daundi, (T) Cadre, Distt - Balod C.G.

13 - Prateek Tirpude S/o Late Shrimati Asha Tirpude Aged About 28 Years Initial Appointed As A Assistant Grade-3 At Govt. Higher Secondary School Badahi, Block - Balod, Distt - Balod C.G.

14 - Daman Singh Thakur S/o Late Shri Rohit Kumar Thakur Aged About 29 Years Initial Appointed As A Assistant Grade-3 At Govt. Higher Secondary School Pondi, Block - Balod, Distt - Balod C.G.

15 - Yogendra Sahu S/o Late Shri Ailam Singh Aged About 29 Years Initial Appointed As A Assistant Grade-3 At Govt. Higher Secondary School Sages, Tehsil - Balod, Distt - Balod C.G.

... Petitioner(s)

versus

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

2 - General Administration Department, C G Govt, Mahanadi Bahavan, Mantralay Naya Raipur,

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

4 - State Of Chhattisgarh Through Public Education Department Mahanadi Bhawan, Naya Mantralaya, Naya Raipur, District Raipur C.G.

5 - District Education Officer, Balod, District Balod, C.G.

6 - Joint Director, Treasury Accounts And Pension Department, Durg C.G.

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

... Respondents

(Cause title is taken from Case Information System)

For Petitioners	:	Mr. B.P. Singh, Advocate
For State	:	Mr. Ghanshyam Kashyap, Dy. G.A.

(Hon’ble Shri Justice Bibhu Datta Guru)

Order on Board

26/10/2026

1. The petitioners have approached this Court seeking grant of annual increments which, according to them, 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 petitioners submits that the petitioners were appointed on compassionate grounds in accordance with the circular/guidelines dated 14.06.2013 issued by the State of Chhattisgarh, which, under Clause 10.3, requires them to pass the Hindi Typing Skill Test within two years of their appointment, with provision for extension up to a maximum period of four years. It is submitted that the respondent authorities failed to conduct the said examination within the prescribed period and even thereafter for several years. Subsequently, when the examination was conducted on 28.06.2021, all the petitioners appeared and qualified the same, pursuant to which the benefit of increments was granted vide order dated 18.10.2021. Learned counsel further submits that the petitioners have completed the PGDCA course and some of them were granted the benefit of increments on that basis after verification of their service records and educational qualifications.

(B) Learned counsel for the petitioners further submits that the respondent authorities are now seeking to recover the increments already granted to some of the petitioners on the ground that the same were granted by mistake, whereas similarly situated petitioners continue to receive the benefit of increments. He

contends that the petitioners cannot be made to suffer for the failure of the respondent authorities to conduct the requisite examination within the prescribed period and that the proposed recovery and discriminatory treatment are arbitrary and violative of Article 14 of the Constitution of India.

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 petitioners cannot claim the benefit of increment contrary to the said condition. It is submitted that the examination was subsequently conducted and the petitioners are required to comply with the prescribed condition.

4. Heard learned counsel for the petitioners 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 admitted that the Hindi Typing

Skill Test was not conducted for several years after the appointment of the petitioners. It is further submitted that, when the respondent authorities conducted the said examination on 28.06.2021, all the petitioners appeared and qualified the same. Thereafter, the respondent authorities granted the benefit of increments vide order dated 18.10.2021. However, despite the petitioners having qualified the examination and completed the PGDCA course, the respondent authorities are now seeking to recover the increments already granted to some of the petitioners on the ground that the same were granted by mistake.

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 petitioners cannot be said to have deliberately avoided or refused to appear in the examination. The inability of the petitioners to comply with the condition of passing the skill test during the relevant period cannot, therefore, be attributed solely to the petitioners when the examination itself was not being conducted by the respondent authorities.

8. The condition prescribed under the policy cannot be disputed. The petitioners, therefore, are required to comply with the said condition. However, the benefit of annual increment for the intervening period i.e. from 2013 till 2021 cannot be denied merely on the ground that the petitioners 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 petitioners are entitled to consideration of their claim for grant of annual increments for the period in question.

9. In view of the aforesaid facts and circumstances, the respondents are directed to grant the annual increments, to the petitioners, which became due to them during the period from 2013 to 2021, subject to their respective dates of appointment and their entitlement under the applicable service rules/policy. The said benefit shall not be denied to the petitioners merely on the ground that they had not passed the Hindi Typing Skill Test during the aforesaid period, as the requisite examination was admittedly not conducted in the concerned District during the said period.

10. The respondents shall accordingly re-fix the pay of the petitioners by granting the aforesaid increments for the period from 2013 to 2021 and release the consequential monetary benefits, 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

$. Bhilwar