CGHC010419302026 2026:CGHC:45424

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 7686 of 2026

1 - Deepak Kumar Chouhan S/o Late. Shri Puran Singh Chouhan Aged About 33 Years Initial Appointed As A Assistant Grade-3 On The Basis Of Compassionate Appointment At Govt. Higher Secondary School Bachchhraon Block - Bagicha District Jashpur C.G.

SHOAIB ANWAR Digitally signed by SHOAIB ANWAR Date: 2026.10.29 11:13:37 +0530

2 - Akash Chouhan S/o Mr. Bodhi Ram Chouhan Aged About 25 Years Initial Appointed As A Assistant Grade - 3 On The Basis Of Compassionate Appointment At Govt. Higher Secondary School Jamjhor Block - Pathalgaon District Jashpur C.G.

3 - Kumari Sweta Painkra D/o Late. Raghav Singh Painkra Aged About 29 Years Initial Appointed As A Assistant Grade-3 On The Basis Of Compassionate Appointed At Govt. Higher Secondary School Jamjhor Block- Pathalgaon District Jashpur C.G.

4 - Raju Bhagat S/o Late Shri Vishram Bhagat Aged About 28 Years Initial Appointed As A Assistant Grade-3 On The Basis Of Compassionate Appointment At Govt. Higher Secondary School Pandrapath Block - Bagicha District Jashpur C.G.

5 - Vivek Painkra S/o Late. Chamu Sai Painkra Aged About 27 Years Initial Appointed As A Assistant Grade-3 On The Basis Of Compassionate Appointment At Govt. Higher Secondary School Kolhenjhariya Block - Farsabahar District Jashpur C.G.

6 - Sanjay Sai S/o Late. Loknath Sai Aged About 32 Years Initial Appointed As A Assistant Grade-3 On The Basis Of Compassionate Appointment At Govt. Higher Secondary School Khutgaon Block - Farsabahar District Jashpur C.G.

7 - Nitish Kumar Gupta S/o Late. Bhim Prasad Gupta Aged About 28 Years Initial Appointed As A Assistant Grade-3 On The Basis Of Compassionate Appointment At Govt. Higher Secondary School Kersai Block - Farsabahar District Jashpur C.G.

... Petitioner(s)

versus

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

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

3 - State Of Chhattisgarh Through The Secretary, Finance Department Mahanadi 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 - District Education Officer Jashpur District Jashpur Chhattisgarh.

6 - Joint Director Treasury Accounts And Pension Department, Jashpur Chhattisgarh.

7 - Shorthand And Type Writing Computer Skill Test Council Mahanadi Bhawan, Naya Mantralaya, Naya Raipur, District Raipur, Chhattisgarh.

... Respondent(s)

(Cause title taken from CIS)

For Petitioner(s)	**:** Shri B.P. Singh, Advocate
For Respondent(s)	**:** Ms. Apurva Nigam, Panel Lawyer

(Hon'ble Shri Justice Bibhu Datta Guru)

Order on Board

28.10.2026

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, 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 employees and the petitioners cannot be deprived of the same for an omission which is attributable to the respondent authorities. Learned counsel for the petitioners 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 petitioners were appointed on compassionate grounds on different dates and, as per the policy governing such appointments, they were required to pass the Hindi Typing Skill Test. However, from the year 2013 till 2023/2024, the requisite examination was not conducted. Consequently, the petitioners could not appear in the said examination despite the condition prescribed under the policy.

(B) Learned counsel for the petitioners submits 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 petitioners submits that the petitioners 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 petitioners cannot be denied the benefit of annual increments on the ground that they had not passed the said examination. It is also submitted that some of the petitioners have already been granted the benefit of regular increments after completion of the PGDCA course, whereas similar benefit has not been extended to the remaining petitioners. It is contended that such action results in discrimination and is contrary to 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 through the

Directorate of Public Instruction 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 stated in their reply that the Hindi Typing Examination could not be conducted in District Rajnandgaon during the period from 2013 to 2023. It has further been 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 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 2024 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. However, for further entitlement to increments and for regularization, the petitioners 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 petitioners the annual increments which became due to them, 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. It is, however, made clear that for their further entitlement to annual increments and for regularization, the petitioners 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 petitioners by granting the aforesaid increments by examining

the entitlement of the petitioners in accordance with their respective date of appointment and passing of the examination by them 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