CGHC010456732025 2026:CGHC:43209

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 12525 of 2025

1 - Jaiprakash Bhuneshwar S/o Late Mr. Vyashnarayan Bhuneshwar Aged About 32 Years R/o Vicharpuar Post Mudpar, Tehsil Chowki, District- Mohla-Manpur Ambagarh Chowki, Chhattisgarh.

2 - Kushal Kumar Mandavi S/o Late. Mr. Lakhan Lal Mandavi Aged About 41 Years R/o Ward No. 01, Killa Para, Dongargaon, District- Rajnandgaon, Chhattisgarh.

3 - Thanesh Kumar Sahu S/o Late Mr Yogesh Kumar Aged About 30 Years R/o Ward No. 11 Ghughwa Dongargaon, District- Rajnandgaon, Chhattisgarh.

4 - Mrs. Jacklin David W/o Mr. Johns David Aged About 30 Years R/o Kalkapara Ganesh, Ward No. 10, Dongargaon, District- Rajnandgaon, Chhattisgarh.

5 - Simarat Kaur Gill D/o Surinder Pal Singh Gill Aged About 28 Years R/o House No. 13 Street No. 1 Shivanath Colony, Rajnandgaon, Chhattisgarh, Tehsil And District- Rajnandgaon, Chhattisgarh.

6 - Mr. Siddharth Shankar Sharma S/o Late Mr. Sheshnarayan Sharma Aged About 40 Years R/o House No. 63 Ward No. 14 Lalbahadur Nagar, Village-Chichola, District- Rajnandgaon, Chhattisgarh.

7 - Mr. Kamal Narayan Darro S/o Late Mr. Yashwant Kumar Darro Aged About 35 Years R/o Village- Chilhati, Tehsil- Ambagarh Chowki, District- Mohla Manpur Ambagarh Chowki, Chhattisgarh.

8 - Mr Tikeshwar Lahre S/o Late Mr. Lalla Ram Lahre Aged About 27 Years R/o Ward No. 3 Chandan Nagar, Motipur, District- Rajnandgaon, Chhattisgarh.

9 - Mr. Dalesh Kumar Taram S/o Mr. Hari Singh Taram Aged About 30 Years R/o Village- Kudaridalli, Post Manghuwa, District- Rajnandgaon, Chhattisgarh.

10 - Mr. Mahesh Kumar Komre S/o Mr. Latkhor Singh Komre Aged About 38 Years R/o Village- Keshritola Post Ambagarh Chowki, District- Mohla-Manpur-Ambagarh Chowki, Chhattisgarh.

ASHUTOSH MISHRA
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11 - Mr. Purnanand Sahu S/o Mr. Ghanshyam Das Sahu Aged About 30 Years R/o Ward No. 10 Village Post Amgaon, Tehsil- Kumarda, District- Rajnandgaon, Chhattisgarh.

12 - Miss Pooja Bhoyar D/o Surendra Kumar Bhoyar Aged About 30 Years R/o Sevta Tola, Behind Shani Mandir Ward No. 7, Dongargaon, District- Rajnandgaon, Chhattisgarh.

13 - Mr. Jitendra Kumar Baghel S/o Late Mr. Manthir Lal Baghel Aged About 36 Years R/o Village- Ghumka Ward No. 3 Tehsil- Ghumka, District- Rajnandgaon, Chhattisgarh.

14 - Mr. Upendra Kumar Dewangan S/o Mr. Shankar Lal Dewangan Aged About 32 Years R/o Village- Mahroom Block- Kuimarda, District- Rajnandgaon, Chhattisgarh.

15 - Mr. Pushpraj Kumar Sahu S/o Late Mr. Bhuwan Lal Jethumal Aged About 30 Years R/o Chendri Ban Nawagaon, Post Tetenga, District- Balod, Chhattisgarh.

16 - Mrs. Monika Chure W/o Mr. Pawan Kumar Chure Aged About 33 Years R/o Shakti Nagar, Ward No. 19, District- Rajnandgaon, Chhattisgarh.

17 - Miss. Yogeshwari Sahu D/o Narendra Kumar Sahu Aged About 32 Years R/o Village- Manki, Post Khertha, District- Balod, Chhattisgarh.

18 - Mr. Chhavi Sahu S/o Late Mr. Akhand Das Sahu Aged About 28 Years R/o Ward No. 10, Achholi, Post- Dongargarh District- Rajnandgaon, Chhattisgarh.

19 - Heena Sahu W/o Mr. Saurabh Sahu Aged About 32 Years R/o Lig 86 Amdi Nagar, Hudco West, Bhilai, District- Durg, Chhattisgarh.

20 - Mrs. Vaishali Jhanjhade W/o Mr. Abhishek Namdeo Aged About 35 Years R/o Mahendra Nagar, Near Sanjivni Clinic, Rajnandgaon, District- Rajnandgaon, Chhattisgarh.

21 - Mrs. Swati Gajbiye D/o Pushpa Ramteke Aged About 39 Years R/o Hariom Nagar, Ward No.08, Dongargaon, District- Rajnandgaon, Chhattisgarh.

22 - Mr. Abhishek Dongre S/o Late Mr. Rajvilas Dongre Aged About 29 Years R/o Misiyabada Station Road, Ward No. 9, Dongargarh, District- Rajnandgaon, Chhattisgarh.

23 - Mr. Praveen Thakur S/o Mr. Shyam Lal Aged About 33 Years R/o Village- Murmunda, Post- Dongargarh, District- Rajnandgaon, Chhattisgarh.

24 - Mr. Sunil Verma S/o Mr. Devaram Verma Aged About 33 Years R/o Street No. 8 Kedar Badi, Ward No. 3, Dongargarh, District- Rajnandgaon, Chhattisgarh.

25 - Mr. Arvind Kumar Sahu S/o Mr. Righuram Sahu Aged About 39 Years R/o Bhothli Dongargarh, District- Rajnandgaon, Chhattisgarh.

26 - Mr. Yatish Kumar Chakradhari S/o Rajendra Kumar Chakradhari Aged About 34 Years R/o Bhudhwaripara Ward No. 15 Dongargarh, District- Rajnandgaon, Chhattisgarh.

27 - Mrs. Sajal Singh W/o Ashish Narayan Singh Aged About 32 Years R/o Bhagat Singh Ward, Ward No. 19 Dongargarh, District- Rajnandgaon, Chhattisgarh.

28 - Mr. Domendra Singh Dewangan S/o Mr. Chaitanya Kumar Dewangan Aged About 31 Years R/o Ward No. 6 Dongargaon, District- Rajnandgaon, Chhattisgarh.

29 - Mr Yuvraj Singh Chandrawanshi S/o Late Mr. Ramsevak Chandrawanshi Aged About 34 Years R/o Village And Post- Khobha, Tehsil- Chhuriya, District- Rajnandgaon, Chhattisgarh.

30 - Mr. Venkatesh Kirendra S/o Mr. Laxman Singh Kirendra Aged About 22 Years R/o Haldi, Ward No. 51, District- Rajnandgaon, Chhattisgarh.

31 - Mr Aashik Kumar Uike S/o Mr. Shivlal Uike Aged About 29 Years R/o Village- Navatola, Post- Baghnadi, Lalbahadur Nagar, Post- Dongargarh, District- Rajnandgaon, Chhattisgarh.

32 - Mr. Tuleshwar Kumar Nayak S/o Sevak Ram Nayak Aged About 25 Years R/o Village- Khursipar, Tehsil- Dongargaon, District- Rajnandgaon, Chhattisgarh.

33 - Mr. Prakhar Vaishnav S/o Late Awdhesh Kishor Vaishnav Aged About 33 Years R/o Bajrang Vihar Near Shir Ram Hospital, Dongagaon, District- Rajnandgaon, Chhattisgarh.

... Petitioners

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 Bhawan, Mantralaya, Naya Raipur (C.G.)

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 Mantralay, Naya Raipur, District- Raipur, Chhattisgarh.

5 - District Education Officer Rajnandgaon, District- Rajnandgaon, Chhattisgarh.

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

7 - Short Hand And Type Writing Computer Skill Test Council, Mahanadi Bhavan, Naya Mantralaya, Naya Raipur, District Raipur (C.G.)

... Respondents

For Petitioners	:	Mr. B.P. Singh, Advocate along with Mr. Roshan Singh Lamba, Advocate
For State	:	Mr. Suyashdhar Badgaiya, GA

(Hon'ble Shri Justice Bibhu Datta Guru)

Order on Board

06/10/2026

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 in District Rajnandgaon. 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 in District Rajnandgaon during the period from 2013 to 2023. 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 during the period from 2013 to 2023, 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 District Rajnandgaon during the said 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 for the period from 2013 to 2023 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

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