

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-24634-2025 (O&M)

Akanksha Singh

... Petitioner

VS.

FCI & Anr.

... Respondents

1.	Judgment reserved on	07.03.2026
2.	Judgment pronounced on	05.05.2026
3.	Judgment uploaded on	06.05.2026
4.	Whether operative or full judgment	Full
5.	Delay in pronouncement of full judgment and reasons, if any	NA

CORAM: HON’BLE MR.JUSTICE SANDEEP MOUDGIL

Present: Mr. Mihir Sood, Advocate with
Mr. Arun William, Mr. Harleen Singh,
Mr. Anirudh Bhaskar, Advocates for the petitioner

Ms. Sidhi Bansal, Advocate and
Mr. Abhav Sharma, Parth Sharma, Advocates for the respondents.

Sandeep Moudgil, J.

(1). By this order, I shall dispose of CWP No.24634 & 24639 of 2025 as common issues are involved. For facts, CWP-24634-2025 is treated as the lead case.

Prayer

(2). The present petition has been filed under Articles 226/227 of Constitution of India praying for issuance of a writ in the nature of Certiorari for quashing the impugned termination order dated 25.07.2025 (Annexure P-13) passed by respondent no.2, whereby services of the petitioner were terminated in an arbitrary manner.

Facts

(3). The petitioner was appointed as Assistant Gr-III on 22.07.2023 and joining on 04.08.2023. She successfully completed her initial one-year

probation period with exemplary reports and was placed on extended probation despite outstanding performance. Respondents nonetheless required a Hindi typing test in the unspecified Mangal Inscript font, however, she failed the first test on 19.11.2024 which was held during second trimester of her pregnancy and was facing medical issues, whereas the second test was held on 15.07.2025, while she was on maternity leave which could not qualify. Consequently, she was terminated from service vide impugned order dated 25.07.2025.

(4). Hence this writ petition.

Contentions of the petitioner

(5). Learned counsel for the petitioner would contend that it was second chance given to her to pass the typing test which took place on 15.07.2025 and during that period, though, the petitioner made an attempt and tried her best despite being on maternity leave, during that period i.e. w.e.f. 17.03.2025 till 12.09.2025, as is evident from Annexure P-8.

(6). Learned counsel for the petitioner would further rest his case referring to clause 2 of the appointment letter dated 22.07.2023 (Annexure P-2) asserting that the said typing test was to be conducted during the period of probation of one year assigned to her from the date of appointment to the post of Assistant Grade-III (Hindi) but no such type test was conducted within that stipulated period. However, it is on record that type test was conducted on 19.11.2024 and prior to that type test her probation period

Respondents counter

(7). Learned counsel for the respondents on the basis of the averments made in the written statement filed by the respondents, submits that the petitioner was appointed purely on probation vide appointment letter dated

22.07.2023 and she was expressly required to qualify a mandatory Hindi typing test as stipulated in Advertisement No. 01/2022-FCI dated 03.09.2022 and also in her appointment letter, it was clearly mentioned. It is well-settled law that probationers have no vested or indefeasible right to continuation in service and can be terminated during or at the end of probation if they fail to meet such essential conditions or are found unsuitable, however, despite her probation being extended and two ample opportunities provided, first test on 19.11.2024 and second on 15.07.2025, she failed both, disentitling her to any legal or equitable relief. Reliance has been placed on **DTC v. DTC Mazdoor Congress, (1991) Supp (1) SCC 600.**

(8). It is further pointed out that the petitioner applied for the Assistant Grade-III (Hindi) post with full knowledge of these terms, voluntarily accepted the appointment, drew salary, availed maternity benefits, and participated in both typing tests without raising a single objection to the format (Mangal Inscript font), timing, procedure, or her ability to appear and as such, she cannot now approbate and reprobate by challenging the very process she embraced earlier, nor plead ignorance or belated medical issues especially since the first test predated her maternity leave and she never sought exemption beforehand and as such, her afterthought objections smack of waiver and acquiescence, barring any challenge.

(9). Learned counsel then argued that no cause of action arises, as the respondents acted strictly per the advertisement, appointment letter, and service rules, providing more than reasonable opportunities probation extended by a year, detailed pre-test instructions issued, and the second test scheduled about four months post-delivery i.e. on 18.03.2025 for a mere 10 minutes plus trials

and there is no arbitrariness, mala fides, violation of Article 14, natural justice, or Maternity Benefit Act inasmuch as the petitioner bears the onus to prove otherwise, which she has failed to discharge.

(10). Heard learned counsel for the parties and the judgment was kept reserved on 07.03.2026.

Analysis

(11). It is not in dispute that the petitioner was appointed on 22.07.2023 on a clear stipulation, contained both in Advertisement No. 01/2022-FCI Category III dated 03.09.2022 and in the appointment letter, that she would be on probation and would be required to qualify a Hindi typing test as a condition precedent for confirmation. It is also undisputed that after the initial period, her probation was extended and she was afforded two opportunities to clear the test, firstly, on 19.11.2024 and then on 15.07.2025, but she did not qualify on either occasion, leading to the issuance of the impugned order of termination. The law is well-settled that a probationer does not have a vested or indefeasible right to continue in service and that the employer is entitled to discharge a probationer during or at the end of probation if, on an overall assessment, the probationer is found unsuitable or has failed to meet prescribed conditions of probation.

(12). As regards the plea that the second typing test was scheduled during maternity leave, it is a matter of record that the petitioner, despite being on leave, voluntarily chose to appear in the test on 15.07.2025. There is no contemporaneous material to show that she objected to the holding of the test during that period, sought postponement, or claimed inability to take the test on medical or caregiving grounds and rather, she travelled and participated in the

examination like other candidates. While maternity leave is a statutory entitlement and an employer cannot penalise a woman for availing such leave, it does not preclude the employee from choosing to participate in work-related activities or assessments, nor does it automatically invalidate a neutral, uniformly-applied test merely because it falls within the leave period. Having elected to appear in the test without demur, the petitioner cannot now be allowed to contend that the very fact of her being on maternity leave should immunise her from the consequences of failing the test or render the test itself illegal, and to permit such a stand would be to countenance approbation and reprobation and would attract the principles of waiver and acquiescence.

(13). The argument that the typing test ought to have been conducted strictly within the first year of probation is equally untenable. The appointment terms clearly envisaged probation and empowered the employer to extend the same and to assess suitability during the extended period. The petitioner accepted this extension, continued in service thereunder, and did not challenge either the extension or the conduct of the first test held on 19.11.2024. Once she has availed the benefit of extended probation and participated in the process without protest, she is estopped from contending that the employer was barred from holding the typing test beyond the initial one-year period. There is, thus, no violation of any binding condition of the advertisement or appointment letter in this regard.

(14). The grievance regarding the use of Mangal Inscript font also does not persuade this Court. The material placed on record does not indicate that the choice of font was tailor-made to disadvantage the petitioner or that other candidates were assessed on any different basis. Mangal Inscript is a standard

Hindi Unicode font and its use for a typing test, uniformly applied to all candidates, cannot by itself be characterised as arbitrary or as changing the “rules of the game”, particularly when the petitioner admittedly appeared in both tests without raising any objection about the font, format, or layout at the relevant time. No prejudice specific to the petitioner, over and above the general level playing field, has been demonstrated. The petitioner’s subsequent plea that she was accustomed to Google Input tools in the office, even if accepted, does not render the test invalid in law.

(15). Lastly, the invocation of the Maternity Benefit Act, 1961 and Articles 14 and 15 of the Constitution is also misconceived on the facts of the present case. The impugned order does not terminate the petitioner “for” pregnancy or “for” availing maternity leave, nor does it deny her maternity benefits as such it rests solely on her failure to fulfil a neutral, pre-existing condition of service which applied uniformly to all similarly placed appointees. Courts have certainly intervened where women employees were denied maternity leave, deprived of benefits, or singled out on account of pregnancy, but those are not the circumstances here. The petitioner has not shown that any similarly situated probationer who failed the typing test was retained in service or that any relaxation was granted selectively to others and denied to her.

(16). In the absence of any tangible material establishing hostile discrimination, mala fides, or disproportionate punishment, the mere fact that she was in the maternity phase of life at the time of the second test cannot, by itself, invalidate the employer’s decision founded on an objective failure to meet the qualifying standard.

- (17). In view of the foregoing discussion, this Court finds no merit in the petitioner’s challenge to her termination order dated 25.07.2025.
- (18). Dismissed.
- (19). Pending applications stand disposed of accordingly.

05.05.2026
V.Vishal

(Sandeep Moudgil)
Judge

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| 1. Whether speaking/reasoned? | : | Yes/No |
| 2. Whether reportable? | : | Yes/No |