2026:CGHC:9724

2026:CGHC:9724

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 3868 of 2020

1 - Aadarsh Nikose S/o Late Mahendra Kumar Nikose, Aged About 25 Years Presently Working As Assistant Grade - Iii At Office Of Senior Agriculture Development Officer, Block - Kurud, District - Dhamtari Chhattisgarh., District : Dhamtari, Chhattisgarh.

--- **Petitioner(s)**

versus

1 - State Of Chhattisgarh, Through - The Secretary, Agriculture Development And Formar Welfare And Bio - Technology Department, Mahanadi Bhawan, Atal Nagar, Nawa Raipur Chhattisgarh., District : Raipur, Chhattisgarh.

2 - Director, Agriculture, Indrawati Bhawan, Atal Nagar, Nawa Raipur, District - Raipur Chhattisgarh., District : Raipur, Chhattisgarh.

3 - Joint Director, Agriculture, Division - Durg, Near Saksharta Bhawan Primises, Civil - Line, Durg, District - Durg Chhattisgarh., District : Durg, Chhattisgarh.

2026:CGHC:9724

--- **Respondent(s)**

WPS No. 4086 of 2020

1 - Vivek Sukdeve S/o Late R.K. Sukdeve, Aged About 27 Years Presently Working As Assistant Grade- Iii At Office Of Senior Agriculture Development Officer, Block Balod, District Balod Chhattisgarh, District : Balod, Chhattisgarh.

2 - Santosh Thakur, S/o Late Narad Ram Thakur, Aged About 42 Years Presently Working As Assistant Grade- Iii At Office Of Senior Agriculure Development Officer, Block Ambagarh Chowki, District Rajnandgaon Chhattisgarh., District : Rajnandgaon, Chhattisgarh.

3 - Dheeraj Kumar Sahu, S/o Late Duryodhan Lal Sahu, Aged About 30 Years Presently Working As Assistant Grade- Iii At Office Of Deputy Director, Agriculure Durg, District Durg Chhattisgarh., District : Durg, Chhattisgarh.

4 - Tarun Singh Rajput, S/o Late Panchlal Rajput, Aged About 34 Years Presently Working As Assistant Grade- Iii At Office Of Deputy Director, Agriculture, District Kabirdham Chhattisgarh., District : Kawardha (Kabirdham), Chhattisgarh.

---**Petitioner(s)**

Versus

1 - State Of Chhattisgarh Through The Secretary, Agriculture Development And Formar Welfare And Bio- Technology Department, Mahanadi Bhawan, Atal Nagar, Nawa Raipur Chhattisgarh., District : Raipur, Chhattisgarh.

2026:CGHC:9724

2 - Director, Agriculture, Indrawati Bhawan, Atal Nagar, Nawa Raipur, District Raipur Chhattisgarh, District : Raipur, Chhattisgarh.

3 - Joint Director, Agriculture, Division- Durg, Near Saksharta Bhawan Primises, Civil- Line, Durg, District Durg Chhattisgarh, District : Durg, Chhattisgarh

-- **Respondent(s)**

WPS No. 4453 of 2023

1 - Amit Kumar Rastogi S/o Late Shri S. P. Rastogi Aged About 35 Years R/o Plot No. 5, Street No. 1, Ashish Nagar, Resali, Bhilai, District Durg (C.G.).

---**Petitioner(s)**

Versus

1 - State Of Chhattisgarh Through The Secretary, Agriculture Development And Farmar, Welfare And Bio-Technology Department, Mahanadi Bhawan, Atal Nagar, Nawa Raipur (C.G.).

2 - Director Agriculture, Indrawati Bhawan, Atal Nagar, Nawa Raipur, District Raipur (C.G.).

3 - Joint Director Agriculture, Division Durg, Near Saksharta Bhawan Primises, Civil Line, Durg, District Durg (C.G.).

--- **Respondent(s)**

For Petitioner(s)	**:** Mr. Somkant Verma, Advocate.
For Respondent(s)/State	**:** Mr. Sangharsh Pandey, G.A.

Hon'ble Mr. Justice Amitendra Kishore Prasad

2026:CGHC:9724

Order on Board

24/02/2026

1. Since common question of facts and law is involved in these cases, as such, all these petitions are being disposed of by this common order.

2. The petitioners have prayed for certain reliefs in the writ petitions. Though there are some sort of differences in respect of prayer made by the petitioners in all the petitions, however, in sum and substance, the reliefs are altogether similar and identical. The reliefs prayed in ***WPS No. 3868/2020 (Aadarsh Nikose vs. State of Chhattisgarh & others)*** are quoted hereinbelow in order to consider these cases and to decide the same.

   "10.1 That, this Hon'ble Court may kindly be pleased to quash the impugned order dated 03.09.2020 (Annexure P-1) passed by the respondent no.3.

   10.2 Any other relief, which may be deemed fit by this Hon'ble Court."

3. Brief facts of the case, is that, the petitioner is presently working as Assistant Grade-III under the respondents and, by way of the present writ petition, he is challenging the legality and validity of the order dated 03.09.2020 passed by Respondent No. 3, whereby the confirmation order of the petitioner was cancelled after four years of his confirmation in service, without affording

2026:CGHC:9724

him any opportunity of hearing, without issuing any show cause notice, and without conducting any enquiry; such action is mala fide, illegal, arbitrary, and in gross violation of the principles of natural justice. The father of the petitioner, Late Mahendra Nikose, was also serving under the respondents and died in harness during service; thereafter, the petitioner applied for compassionate appointment, which was duly considered by the competent authority, and he was appointed on probation for a period of two years vide order dated 16.08.2013. In pursuance of the said appointment order, the petitioner joined his duties on 12.06.2014 in the office of the Sub-Divisional Officer, Agriculture, Balod, District Balod; he successfully completed the prescribed probation period and passed the requisite computer examination, and subsequently, by order dated 24.03.2018, his services were confirmed with effect from 27.06.2016. However, after a lapse of four years from the date of confirmation, Respondent No. 3 abruptly issued the impugned order cancelling his confirmation, thereby adversely affecting his service prospects, including his chances of promotion to the next higher post. The services of the petitioner are governed by the Chhattisgarh Subordinate Agriculture Class-III (Ministerial) Service Rules, 2010, which prescribe that for appointment to the post of Assistant Grade-III, a candidate must have passed Higher Secondary, possess Hindi typing qualification from a recognized institute, and hold a one-

2026:CGHC:9724

year Diploma/Certificate in Data Entry (5000 key depressions per hour) from a recognized institution; although at the time of appointment the petitioner had not obtained the diploma certificate, he acquired the same during his probation period, and thereafter his services were duly confirmed by the competent authority. Despite this, Respondent No. 3, without granting any opportunity of hearing or issuing any show cause notice, cancelled the petitioner's confirmation order; hence, the present petition has been filed seeking quashment of the impugned order.

4. Learned counsel for the petitioners submits that the entire act and conduct of the respondent authorities, particularly respondent No. 3, is manifestly arbitrary, illegal and vitiated by non-application of mind, being in clear violation of the settled principles of administrative law and the fundamental tenets of natural justice. The impugned actions demonstrate an unreasonable exercise of power, causing serious civil consequences to the petitioners without affording them any opportunity of hearing. It is further submitted that the impugned actions of the respondents are in direct contravention of Articles 14 and 16 of the Constitution of India, which guarantee equality before law and equal opportunity in matters of public employment. The petitioners, though similarly situated and otherwise eligible, have been subjected to hostile discrimination. Learned counsel submits that it is an admitted and undisputed fact that during service the post of Assistant Grade-III,

2026:CGHC:9724

the petitioners possessed the requisite computer training certificate, which was duly placed on record. Upon due verification of their eligibility, respondent No. 3 granted the petitioners the benefit of regular pay scale with effect from initial date of appointment vide order dated 24.3.2018. However, in complete disregard of the principles of natural justice, the said benefit was withdrawn suo motu by respondent No. 3 vide order dated 3.9.2020, without issuance of any show-cause notice, without affording an opportunity of hearing, and without assigning any cogent reasons, without issuing any notice, without affording any opportunity of hearing, and without recording any reasons, rendering the action ex facie illegal.

5. Learned State counsel, at the very outset, submits that the answering respondents categorically, vehemently and specifically deny all adverse allegations, insinuations and averments made by the petitioners against the respondents/State in the instant writ petitions. It is submitted that the petitions are misconceived, devoid of merit and substance, and have been filed by suppressing material facts, and therefore does not warrant any interference by this Court. Learned State counsel submits that the petitioners were granted compassionate appointment on the post of Assistant Grade-III vide orders dated 12.6.2014, 28.12.2015, 16.11.2011, 2.4.2012 and 16.8.2013 issued by the Joint Director, Agriculture, Division Durg, Durg, and were posted

2026:CGHC:9724

in the different place of postings. The said appointments were subject to specific conditions, namely that the petitioners were required to pass Hindi Typing/Computer from a recognized institution within a period of two years from the date of appointment, and till fulfillment of the said condition, they were entitled only to the lower pay scale attached to the post. It was further stipulated that only after passing the requisite Hindi Typing/Computer qualification would the petitioners be placed on probation and their seniority be determined in accordance with rules. Learned State counsel further submits that respondent No. 3, on the basis of a computer training certificate erroneously passed an order dated 24.3.2018 granting the petitioners regular pay scale with effect from initial date of appointment. However, the said order was contrary to the circular dated 14.06.2013 issued by the General Administration Department, Government of Chhattisgarh, which governs compassionate appointments. As per Clause 10(3) of the said circular, except for a widow of the deceased employee, no exemption is permissible in the prescribed educational qualifications for the post of Assistant Grade-III, and other dependents must necessarily pass Hindi Typing with 5000 depressions on computer from a recognized institution. Since the petitioners did not fulfill the said mandatory requirement and the certificate relied upon was not from a recognized institution for the prescribed qualification, the order

dated 24.3.2018 was rightly cancelled vide order dated 3.9.2020. The said cancellation was thus legal, justified and in strict conformity with the governing policy. It is further submitted that since the petitioners had not passed the requisite Hindi Typing/Computer qualification and their services were not regularized at the relevant point of time. Therefore, the allegation of discrimination or violation of Articles 14 and 16 of the Constitution of India is wholly misconceived, vague and baseless. Reliance is placed on the judgments of the Hon'ble Supreme Court in **U.P. Jal Nigam & Another v. Jaswant Singh & Another, (2006) 11 SCC 464 and Gulam Rasul v. State of Jammu & Kashmir, (2009) 15 SCC**, wherein it has been categorically held that a litigant who sleeps over his rights is not entitled to discretionary relief under writ jurisdiction, and stale claims cannot be revived after a long lapse of time. Lastly, learned State counsel submits that the grounds raised by the petitioners are untenable and not available to them in law, in view of the factual and legal position explained hereinabove. The petitioners are not entitled to any of the reliefs sought for, and the writ petitions, being devoid of merit and substance, deserves to be dismissed with costs. In view of the aforesaid submissions, the answering respondents pray that the instant writ petitions be dismissed.

6. The present writ petitions calls in question the legality and validity of the order dated 3.9.2020, whereby respondent No. 3, acting

2026:CGHC:9724

suo motu, cancelled the earlier order dated 24.3.2018 granting the petitioners regular pay scale from the date of their initial appointments.

7. From perusal of the record, it is not in dispute that the petitioners were appointed on compassionate grounds to the post of Assistant Grade-III vide orders dated 12.6.2014, 28.12.2015, 16.11.2011, 2.4.2012 and 16.8.2013 . The appointment order clearly stipulated that the appointee was required to acquire Hindi Typing / Computer knowledge / examination / diploma within a period of two years or earlier, and till fulfillment of the said condition, regular pay scale were not to be granted. The language employed in the appointment order makes it manifest that the condition was framed in the alternative, namely, Hindi Typing or Computer qualification. The relevant condition, as stipulated in the appointment order, is reproduced hereunder for ready reference:

> *"नियुक्ति के शर्ते :-*
>
> *1) छत्तीसगढ़ शासन, सामान्य प्रशासन विभाग, मंत्रालय, रायपुर के परिपत्र क्रमांक/एफ-7-4/2002/1-3/दिनांक 17.02.2004 की कंडिका-3 के अनुसार सहायक ग्रेड-3 के पद पर कार्यभार ग्रहण करने के दिनांक से मान्यता प्राप्त संस्था से हिन्दी मुद्रलेखन/ कम्प्यूटर का ज्ञान / परीक्षा / डिप्लोमा संबंधी अर्हता प्रमाण पत्र 02 वर्ष की कालावधि में या इसके पूर्व जो भी पहले हो*

2026:CGHC:9724

उत्तीर्ण करना होगा। जब तक वे हिन्दी मुद्रलेखन एवं कम्प्यूटर का ज्ञान / परीक्षा / डिप्लोमा संबंधी अर्हता परीक्षा उत्तीर्ण नहीं करेंगे तब तक उन्हें सहायक ग्रेड-3 के वेतनमान का निम्नतम वेतन तथा भत्ते प्राप्त होगें।

2) यदि वे उपयुक्त हिन्दी मुद्रलेखन परीक्षा एवं कम्प्यूटर का ज्ञान / परीक्षा / डिप्लोमा संबंधी परीक्षा निर्धारित अवधी में उत्तीर्ण कर लेने के दूसरे दिन से सहायक ग्रेड-3 के पद पर दो वर्ष की परिवीक्षा पर नियुक्त किया जावेगा साथ ही इनकी वरिष्ठता नियमित वेतनमान में नियुक्ति के दिनांक से निर्धारित की जावेगी।"

8. It is further evident from the record that during service, the petitioners had already obtained a computer diploma/certificate from a recognized institution, which was duly placed before the respondent authorities. Taking into consideration the said qualification and after due verification, respondent No. 3 passed a conscious and reasoned order dated 24.3.2018 granting the petitioners regular pay scale with effect from the date of their initial appointment. The said order was acted upon and remained operative for a considerable period. Once the competent authority, after examining the eligibility and qualification of the petitioners, found them suitable and granted the benefit of regular pay scale, the subsequent cancellation of the said benefit vide order dated 3.9.2020 is ex facie arbitrary and unsustainable in law. The impugned cancellation proceeds on the premise that the

2026:CGHC:9724

petitioners had not cleared the Hindi typing examination, ignoring the admitted position that the appointment condition itself permitted compliance either through Hindi typing or computer qualification. The respondents, having accepted the computer certificate as sufficient compliance in the year 2018, are estopped from reopening the issue on a hyper-technical ground at a later stage.

9. This Court is of the considered opinion that once the petitioners were found eligible on the basis of the computer certificate and regular pay scale was granted after due application of mind, the same could not have been withdrawn subsequently on the ground that the petitioner had not passed Hindi typing examination. Such an action amounts to review of a concluded issue without any statutory authority and is hit by the principles of fairness and certainty in administrative decision-making. Additionally, the impugned order dated 3.9.2020 has been passed without issuance of any show-cause notice and without affording an opportunity of hearing to the petitioners, despite the fact that the order entails serious civil consequences, including recovery of alleged excess payment. The action is thus in clear violation of the principles of natural justice and cannot be sustained on this ground alone.

10. In view of the aforesaid discussion, this Court holds that the order

2026:CGHC:9724

dated 3.9.2020, cancelling the earlier order dated 24.3.2018, is per se illegal, arbitrary and unsustainable, and is hereby quashed. Consequently, the order dated 24.3.2018 granting regular pay scale to the petitioners from the date of initial appointment stands restored. The respondents are further directed to restore all consequential service benefits to the petitioners strictly in accordance with law, within a reasonable period, preferably within three months from the date of receipt of a copy of this order.

11. The writ petitions are accordingly **allowed** to the extent indicated above.

No order as to costs.

SD/-

(**Amitendra Kishore Prasad**)
Judge

Raghu Jat