



2026:CGHC:33199



CGHC010250012022



2026:CGHC:33199

NAFR**HIGH COURT of CHHATTISGARH AT BILASPUR****WPS No. 5214 of 2022**

Smt. Neelima Rajani Bala Wany W/o Pramod Philip Wany Aged About 58 Years C. G. R/o Q. No. 15-695, D. K. Parisar, Near Hanuman Mandir Raipur Chhattisgarh.

--- **Petitioner**

versus

- 1** - State of Chhattisgarh Through The Secretary, Department of Health And Family Welfare, Mantralaya, Mahanadi Bhawan, Atal Nagar, Raipur, Chhattisgarh.
 - 2** - Principal Secretary Department of Finance, Mahanadi Bhawan, Atal Nagar, Raipur, Chhattisgarh.
 - 3** - office Joint Director And Superintendent Dr. Bhim Rao Ambedkar Memorial Hospital Raipur Chhattisgarh.
 - 4** - The Joint Director Treasury Accounts And Pension, Raipur Chhattisgarh.
- **Respondent(s)**

WPS No. 5209 of 2022

Smt. Eva Madhuri W/o Lt. Munna Lal Chandrakar Aged About 59 Years Posted As Assistant Nursing Superintendent, Dr. Bhim Rao Ambedkar Memorial Hospital, Raipur R/o D. K. S. Compound, Near C. M. O office Raipur Chhattisgarh.

--- **Petitioner**

Versus

- 1** - State of Chhattisgarh Through The Secretary, Department of Health And Family Welfare, Mantralaya Mahanadi Bhawan, Atal Nagar, Raipur, Chhattisgarh
- 2** - Principal Secretary Department of Finance, Mahanadi Bhawan, Atal Nagar, Raipur, Chhattisgarh
- 3** - office Joint Director And Superintendent Dr. Bhim Rao Ambedkar Memorial Hospital Raipur Chhattisgarh
- 4** - The Joint Director Treasury Accounts And Pension, Raipur Chhattisgarh



--- Respondent(s)

WPS No. 6799 of 2022

1 - Valsa Lovely W/o Lovely Varghese, Aged About 60 Years Posted As Nursing Sister, Dr. Bhim Rao Ambedkar Memorial Raipur R/o H.No. Mig 35, Mahavir Nagar, Amlidih, Raipur C.G.

2 - Salina Lal W/o Neeraj Raj Kumar Aged About 55 Years Posted As Assistant Nursing Superintendent, Dr. Bhim Rao Ambedkar Memorial Hospital, Raipur R/o Q No. 4, Block -1, Nal Ghar Road, Rda Colony, Tikrapara, Raipur Chhattisgarh.

3 - Anju Gondh W/o Noni Gopal Sarkar Aged About 44 Years Posted As Assistant Nursing Superintendent, Dr. Bhim Rao Ambedkar Memorial Hospital, Raipur R/o Bangali Colony, Aamanaka, Raipur Chhattisgarh.

---Petitioner(s)

Versus

1 - State of Chhattisgarh Through The Secretary, Department of Health And Family Welfare, Mantralaya, Mahanadi Bhawan, Bhavan, Atal Nagar, Raipur Chhattisgarh.

2 - Principal Secretary, Department of Finance, Mahanadi Bhawan, Atal Nagar, Raipur Chhattisgarh.

3 - officer Joint Director And Superintendent, Dr. Bhim Rao Ambedkar Memorial Hospital Raipur Chhattisgarh.

4 - The Joint Director, Treasury Accounts And Pension, Raipur Chhattisgarh.

--- Respondent(s)

WPS No. 6363 of 2022

1 - Smt. Habila Tandi W/o Bhagwanoram Aged About 62 Years R/o Village And Post Jagdishpur, Block Pithora, District : Mahasamund, Chhattisgarh

---Petitioner(s)

Versus

1 - State of Chhattisgarh Through The Secretary, Department of Health And Family Welfare, Mantralaya, Mahanadi Bhavan, Atal Nagar, Raipur, Chhattisgarh.

2 - Principal Secretary Department of Finance, Mahanadi Bhavan, Atal Nagar, Raipur, Chhattisgarh.



3 - Director of Medical Education Dks Bhawan Parisar, Old Nurses Hostel, Besides Lal Ganga Complex, Chhattisgarh 492001.

4 - Principal Government G.N.M Training Center, Mahasamund, Chhattisgarh.

5 - The Joint Director Treasury Accounts And Pension, Raipur, Chhattisgarh.

--- **Respondent(s)**

WPS No. 5640 of 2022

1 - Smt. Swati Kumar W/o Danial Kumar Aged About 49 Years Posted As Assistant Nursing Superintendent, Dr. Bhim Rao Ambedkar Memorial Hospital, Raipur, R/o H.No. 3/946, G.E. Road, Karbala Para Raipur (C.G.)

2 - Smt. Kalpana Chakraborty W/o Ranjit Chakraborty Aged About 58 Years Posted As Assistant Nursing Superintendent, Dr. Bhim Rao Ambedkar Memorial Hospital, Raipur, R/o Shiv Kripa House, H.No. 3271, Laxmi Nagar, Pachpedi Naka, Raipur (C.G.)

3 - Smt. Rekha Jacob W/o Fravel Jacob Aged About 56 Years Posted As Nursing Sister Dr. Bhim Rao Ambedkar Memorial Hospital, Raipur, R/o H.No. A3, Guru Tek Bahadur Nagar, Telibandha, Raipur (C.G.)

4 - Smt. Rani Mishra W/o Panna Lal Joshi Aged About 52 Years Posted As Nursing Sister, Dr. Bhim Rao Ambedkar Memorial Hospital, Raipur R/o H.No. 7/1381, Sector -1, Shivanand Nagar, Khamtarai-2, Khamtarai, Raipur (C.G.)

5 - Smt. D. Ashlesham W/o D. Appal Raju Aged About 58 Years Posted As Assistant Nursing Superintendent, Dr. Bhim Rao Ambedkar Memorial Hospital, Raipur R/o Near Convent School, Khamtarai - 2, Khamtarai, Raipur (C.G.)

6 - Smt. Pushpalata Rawat W/o B.L. Rawat Aged About 59 Years Posted As Assistant Nursing Superintendent, Dr. Bhim Rao Ambedkar Memorial Hospital, Raipur, R/o Mig-72, Maruti Vihar Colony Mohba Bazar, Raipur (C.G.)

--- **Petitioner(s)**

Versus

1 - State of Chhattisgarh Through The Secretary, Department of Health And Family Welfare, Mantralaya, Mahanadi Bhavan, Atal Nagar, Raipur, Chhattisgarh.

2 - Principal Secretary Department of Finance, Mahanadi Bhavan, Atal Nagar, Raipur (C.G.)



3 - office Joint Director And Superintendent Dr. Bhim Rao Ambedkar Memorial Hospital Raipur (C.G.)

4 - The Joint Director Treasury Accounts And Pension, Raipur (C.G.)

--- **Respondent(s)**

WPS No. 5206 of 2022

1 - Smt. Nanda Rangari D/o Late Bhadhru Rangari Aged About 59 Years Posted As Assistant Nursing Superintendent, Dr. Bhim Rao Ambedkar Memorial Hospital, Raipur R/o H. No. C/ 12, Old Pension Bada, Raipur Chhattisgarh.

---**Petitioner**

Versus

1 - State of Chhattisgarh Through The Secretary, Department of Health And Family Welfare, Mantralaya, Mahanadi Bhavan, Atal Nagar, Raipur, Chhattisgarh.

2 - Principal Secretary, Department of Finance, Mahanadi Bhavan, Atal Nagar Raipur Chhattisgarh.

3 - office Joint Director And Superintendent, Dr. Bhim Rao Ambedkar Memorial Hospital Raipur Chhattisgarh.

4 - The Joint Director, Treasury Accounts And Pension, Raipur Chhattisgarh.

--- **Respondent(s)**

WPS No. 5208 of 2022

1 - Smt. Laxmi Sarkar W/o Lt. K. C. Sarkar Aged About 59 Years Posted As Assistant Nursing Superintendent, Dr. Bhim Rao Ambedkar Memorial Hospital, Raipur R/o Pachpedi Naka, Ring Road, Laxmi Nagar, Raipur Chhattisgarh

---**Petitioner**

Versus

1 - State of Chhattisgarh Through The Secretary, Department of Health And Family Welfare, Mantralaya Mahanadi Bhawan, Atal Nagar, Raipur, Chhattisgarh

2 - Principal Secretary Department of Finance, Mahanadi Bhawan, Atal Nagar, Raipur, Chhattisgarh

3 - office Joint Director And Superintendent Dr. Bhim Rao Ambedkar Memorial Hospital Raipur Chhattisgarh

4 - The Joint Director Treasury Accounts And Pension, Raipur Chhattisgarh



--- Respondent(s)

WPS No. 5244 of 2022

Smt. Jyoti Rai W/o Shankar Rai Aged About 61 Years Poster Nursing Sister,
Civil Hospital Mana, Raipur R/o Q.No. 23, Mana New Market, District Raipur
Chhattisgarh.

---Petitioner

Versus

1 - State of Chhattisgarh Through Principal Secretary, Health And Family
Welfare And Medical Education officer At So-10, Mantralaya Mahanadi
Bhavan, Nava Raipur Atal Nagar, Chhattisgarh.

2 - Principal Secretary, Department of Finance, Mahanadi Bhavan, Atal Nagar,
Raipur, Chhattisgarh.

3 - Block Education officer, Dharsiva Raipur District Chhattisgarh.

4 - The Joint Director, Treasury Accounts And Pension, Raipur Chhattisgarh.

--- Respondent(s)

WPS No. 5213 of 2022

1 - Smt. Reeta Bosat W/o Herald Bosat Aged About 60 Years Posted As
Assistant Nursing Superintendent, Dr. Bhim Rao Ambedkar Memorial
Hospital, Raipur Chhattisgarh R/o Sector 3, Ward No. 22, Ganj, Raipur,
Chhattisgarh

---Petitioner

Versus

1 - State of Chhattisgarh Through The Secretary, Department of Health And
Family Welfare, Mantralaya, Mahanadi Bhavan, Atal Nagar, Raipur,
Chhattisgarh

2 - Principal Secretary Department of Finance, Mahanadi Bhavan, Atal Nagar,
Raipur, Chhattisgarh

3 - office Joint Director And Superintendent, Dr. Bhim Rao Ambedkar
Memorial Hospital Raipur, Chhattisgarh

4 - The Joint Director, Treasury Accounts And Pension, Raipur, Chhattisgarh

--- Respondent(s)



For Petitioner(s)	: Mr. Akash Kumar Kundu, Advocate
For Respondent(s)/State	: Mr. Keshav Prasad Gupta, Government Advocate

Hon'ble Shri Justice Rakesh Mohan Pandey

Order on Board

31/07/2026

1. In this batch of writ petitions, the petitioners have challenged the orders of recovery issued by the respondent authorities and further sought relief to quash the orders dated 05.01.2008 (Annexure P/2) & 05.08.2014 (Annexure P/3).
2. Admittedly, the petitioners, who possessed qualifications of B.Sc. (Nursing) or General Nursing or Midwifery trained, were appointed to the post of Nursing Staff under the respondents between 1986 to 2005.
3. According to the circular issued by the erstwhile Madhya Pradesh, diploma holder nurses were granted three advance increments and degree holder nurses were granted four advance increments as per circular dated 11.09.1985. This practice continued for a considerable period and subsequently, the respondent No.1 vide order dated 27.05.2003, extended the benefit of 3 & 4 advance increments to the staff nurses appointed between 01.04.1981 to 10.09.1985.
4. The benefit of grant of 3 & 4 advance increments to diploma holders and degree holders staff nurses was made applicable to the staff nurses appointed between 1986 to 2005; thereafter, the respondent No.1 vide memo dated 05.01.2008, further clarified the position to the effect that the benefit of grant of 3 & 4 advance increments was confined to those staff nurses, who were appointed prior to 01.01.1986.



5. A communication was made on 05.08.2014, wherein it was stated that the B.Sc. (Nursing) or General Nursing or Midwifery Training has been made an essential qualification for appointment to the post of Staff Nurse; therefore, the nursing staff shall not be entitled to 3 & 4 advance increments. In the said circular, recovery of excess payment was also recommended.
6. Mr. Akash Kumar Kundu, learned counsel appearing for the petitioners would argue that the petitioners had acquired B.Sc. (Nursing) or General Nursing or Midwifery Training prior to issuance of notification of Rules of 2013, therefore, it cannot be applied with retrospective effect against the petitioners. He would fairly submit that the orders of recovery issued against the petitioners have already been withdrawn by the State Government and the recovery amount, if any, has been refunded. He would submit that the High Court of Madhya Pradesh in the matter of ***Rakesh Verma v. State of Madhya Pradesh & ors.*** passed in ***W.P. No.10532 of 2020*** & other connected matters, while dealing with a similar issue, extended the benefit of advance increments to computer operators. He would submit that the facts of the present case are similar to the facts of the cited case.
7. On the other hand, Mr. Keshav Prasad Gupta, Government Advocate appearing for the State would submit that the essential qualification for Staff Nurse is governed according to the Chhattisgarh Health and Family Welfare Department Non-Ministerial Para-Medical and Nursing (Directorate Health Services) Class-III Service Recruitment Rules, 2013 (for short, the Rules, 2013). He would contend that the decision was taken by the State to grant 3 & 4 advance increments to the Staff Nurses prior to year 2013 to encourage them to acquire basic nursing training. He would further contend that since B.Sc. (Nursing) or General Nursing or Midwifery training or diploma in Nursing has been made an essential qualification, the State Government rightly withdrew



the benefit of 3 & 4 advance increments; thus, the petitions are misconceived and deserve to be dismissed.

8. Heard learned counsel for the parties and perused the documents.
9. It appears that W.P.S. No.5654 of 2017 was filed by two petitioners challenging the impugned orders, and the said petition was disposed of vide order dated 14.06.2021 with a direction to respondents No.1 to 3 to take a decision within a period of 4 months. It appears that till date no decision has been taken. It is also not in dispute that the petitioners were appointed to the post of Staff Nurse when B.Sc. Nursing was not an essential qualification for the post of Staff Nurse.
10. As the petitioners have said qualification, a decision has been taken by the State authorities to withdraw the benefit of advance increments after 25-30 years, appears to be unreasonable. There must be a plausible reason to withdraw any benefit which was extended to the persons way back in the year 1984, when there was a need for trained Staff Nurses, and therefore, the said benefit was extended. However, in the recruitment rules, B.Sc. (Nursing) has been made essential qualification for appointment to the post of Staff Nurse, therefore, State withdrew grant of advance increments.
11. Be that as it may, as the State Government has not taken any decision till date despite the order passed in W.P.S. No.5654 of 2017, without making any observation on the merits of the case, this petition is hereby **disposed of** with a direction to the petitioners to make a detailed representation within a period of 10 days, and the respondent authorities are directed to take a decision in an objective manner within a further period of 30 days.
12. The authority concerned shall consider the judgment passed by the High Court of Madhya Pradesh in W.P. No.10532 of 2020 and the position of nurses in the State of Madhya Pradesh.



13. With the aforesaid observation(s) and direction(s), these writ petitions are hereby **disposed of**.

Sd/-

Rakesh Mohan Pandey

JUDGE

Nadim