



**IN THE HIGH COURT OF MADHYA PRADESH  
AT INDORE**

**BEFORE**

**HON'BLE SHRI JUSTICE SUBODH ABHYANKAR**

**ON THE 17<sup>th</sup> OF SEPTEMBER, 2024**

**WRIT PETITION No. 7042 of 2024**

***PRANAY BANSODE***

*Versus*

***THE STATE OF MADHYA PRADESH AND OTHERS***

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**Appearance:**

***Shri Anand Agrawal - Advocate for the petitioner.***

***Shri Pranay Joshi- P.L./G.A. for the State.***

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**ORDER**

Heard.

2] This petition has been filed by the petitioner under Article 226 of the Constitution of India, seeking the following reliefs:-

“सहायता :- माननीय उच्च न्यायालय से प्रार्थना है कि यथोचित रिट, आदेश जारी कर विपक्षीगणों को निर्देित करने का कष्ट करें कि वे –

अ. याचिकाकर्ता को जुलाई 2022 से नियमित वेतन वृद्धि मय एरियर्स के प्रदान करें।

ब. याचिकाकर्ता की परीक्षा अवधि समाप्त कर याचिकाकर्ता को स्थाई करें एवं समस्त लाभ मय एरियर्स के प्रदान करें।

स. अन्य न्यायोचित सहायता जो भी उचित हो प्रदान करने का कष्ट करें।”

3] The grievance of the petitioner is that he was appointed through compassionate appointment as per the scheme dated 13.08.2014, in which it was also a condition that the petitioner shall pass the CPCT test. The petitioner’s grievance is that he has already passed the aforesaid test and the score card of the same, dated 27.12.2021, is also filed on record.



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4] Counsel for the petitioner has also drawn the attention of this Court to the decision rendered by the Full Bench of this Court in the case of *Manoj Kumar Purohit and Others Vs. State of M.P. and others* reported as *2016(1) M.P.L.J. 449*, wherein, the Full Bench has laid down certain guidelines in respect of the increments to the employees who have passed the Hindi typing test, and it is submitted that the case of the petitioner would fall under Question (B) as formulated by this Court, which has been answered in para 20(v) 'Question (B)'. Thus, it is submitted that since it is not stipulated that the petitioner is required to pass the CPCT test within any particular time from the date of his appointment, he would be entitled to regular increment from the date of passing of the CPCT exam.

5] Counsel for the respondent/State, on the other hand, has opposed the prayer, however, in the reply, the respondent has also filed a document dated 24.05.2024, wherein, the petitioner's case has already been recommended vide letter dated 09.10.2023 and in para 3 of the reply itself, it is admitted that looking to the scarcity of the employees, the petitioner's case has been recommended sympathetically.

6] Heard counsel for the parties and perused the record.

7] On due consideration of submissions and on perusal of the documents filed on record, this court finds that it is not disputed that the petitioner has already passed the CPCT test on 27.12.2021. And, so far as the order passed by the Full Bench of this Court in the case



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of *Manoj Kumar Purohit (Supra)* is concerned, the relevant paras of the same read as under:-

“2. Ordinarily, we must answer only the question as referred by the learned Single Judge, however, as other connected matters involving similar or overlapping issues have been directed to be linked with the leading writ petition in which reference order has been passed, we may have to examine the issues arising therein as well. After hearing the counsel appearing in the respective petitions, in this bunch of cases, we deem it appropriate to reformulate the questions which may have to be considered by us in all these matters as referred:

(A) .....

(B) When the appointment is made under the Policy of either Compassionate Appointment or Regularization and the Policy expressly provides that passing of Hindi Typing Test is essential, absence of such condition in the letter of appointment would make any difference.

(C) .....

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20. Thus, in view of preceding analysis, reference is answered by stating as follows:—

(i) *Question (A)(a):*.....

xxx

(v) *Question (B):*

If an employee has been appointed under the policy either of compassionate appointment or regularization and if policy provides for requirement of passing Hindi Typing Test essential, the concerned employee would be entitled to benefit of increment only after having passed Hindi Typing Test, even in the absence of such a stipulation in the letter of appointment.”

*(Emphasis Supplied)*

8] A perusal of the aforesaid decision would clearly demonstrate that the only requirement of an employee is to pass the Hindi typing test, and there is no limitation provided for passing the same. On the other hand, in the appointment letter of the petitioner also, there is no limitation. In view of the same, this Court is inclined to allow the present petition.



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9] Accordingly, the petition stands *allowed*, and the respondents are directed to grant the regular increment to the petitioner with effect from July 2022, and the arrears arising therefrom, within a period of three months.

10] With the aforesaid the petition stands *allowed* and *disposed of*.

(SUBODH ABHYANKAR)  
JUDGE

Bahar