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WP-14411-2020

IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE VIVEK RUSIA,
ACTING CHIEF JUSTICE

&

HON'BLE SHRI JUSTICE PRADEEP MITTAL

WRIT PETITION No. 14411 of 2020

RAHUL SINGH KACHHWAH AND OTHERS AND OTHERS

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

.....
Appearance:

Shri Vijay Kumar Shukla - Advocate for the petitioners.

*Shri Bramhadatt Singh- Additional Advocate General for
respondent/State.*

.....
WITH

WRIT PETITION No. 25316 of 2025

SHARAD KUMAR AND OTHERS

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

.....
Appearance:

*Shri Kailash Chandra Ghildiyal Senior Advocate with Ms. Warija
Ghildiyal- Advocate for the petitioners.*

Shri Bramhadatt Singh- Additional Advocate General for respondent/State

.....
WRIT PETITION No. 50654 of 2025

ANAND KUMAR MISHRA AND OTHERS

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

.....
Appearance:



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Shri Rahul Diwaker- Advocate, Shri Aman Pandey- Advocate, and Shri Shubham Rai- Advocate for the petitioner.

S h r i Bramhadatt Singh- Additional Advocate General for respondent/State

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WRIT PETITION No. 1470 of 2026

RAMNARESH GAYDHANE AND OTHERS

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

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Appearance:

Shri Ishan Soni- Advocate for the petitioners.

S h r i Bramhadatt Singh- Additional Advocate General for respondent/State

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WRIT PETITION No. 1897 of 2026

WILSON SAI RAHANGDALE AND OTHERS

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

.....

Appearance:

Shri Sitendra Kumar Vishwakarma- Advocate for petitioners.

S h r i Bramhadatt Singh- Additional Advocate General for respondent/State

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WRIT PETITION No. 2848 of 2026

MANISHA AHIRWAR

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

.....

Appearance:

Shri Ishan Soni- Advocate for the petitioner.

S h r i Bramhadatt Singh- Additional Advocate General for respondent/State

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WRIT PETITION No. 2862 of 2026***BHUPENDRA PAWAR AND OTHERS****Versus****THE STATE OF MADHYA PRADESH AND OTHERS***

Appearance:*Shri Ishan Soni- Advocate for petitioners.**S h r i Bramhadatt Singh- Additional Advocate General for
respondent/State*

WRIT PETITION No. 3326 of 2026***CHETAN PATHAK AND OTHERS****Versus****THE STATE OF MADHYA PRADESH AND OTHERS***

Appearance:*Shri Ishan Soni- Advocate for petitioners.**S h r i Bramhadatt Singh- Additional Advocate General for
respondent/State*

WRIT PETITION No. 3359 of 2026***MANISH INVATI AND OTHERS****Versus****THE STATE OF MADHYA PRADESH AND OTHERS***

Appearance:*Shri Amit Shukla - Advocate and Shri Sitendra Kumar Vishwakarma-
Advocate for petitioners.**S h r i Bramhadatt Singh- Additional Advocate General for
respondent/State*

WRIT PETITION No. 3761 of 2026***JITENDRA AND OTHERS****Versus****THE STATE OF MADHYA PRADESH AND OTHERS***

**Appearance:**

Shri Ishan Soni- Advocate for petitioners.

*S h r i Bramhadatt Singh- Additional Advocate General for
respondent/State*

.....

WRIT PETITION No. 4772 of 2026

HEMANT HELONDE AND OTHERS

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

.....

Appearance:

*Shri Anshul Tiwari - Advocate and Shri Abhishek Pandey- Advocate for
petitioners.*

*S h r i Bramhadatt Singh- Additional Advocate General for
respondent/State*

.....

WRIT PETITION No. 24056 of 2026

JYOTI NEMA AND OTHERS

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

.....

Appearance:

Shri Rahul Diwaker- Advocate for the petitioners.

*S h r i Bramhadatt Singh- Additional Advocate General for
respondent/State*

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Reserved on 13.08.2026

Pronounced on 08.09.2026

ORDER

Per. Vivek Rusia, Acting Chief Justice

Since the issue involved in these Writ Petitions is common; thus, they are being decided by this common order. Since, the reply has been filed by the respondent/State in W.P No. 14411/2020, the facts are taken from W.P



No. 14411/2020 to decide the controversy involved herein.

2. The facts of the case in short are as under:-

(i) The petitioners are challenging the notification/circular dated 26.12.2019 (Annexure P-1), whereby the respondents have amended the condition of Pay Scale during Probation Period and extended the time of the probation period after implementation of the advertisement and notification dated 30.07.2018 (Annexure P-3). As per Rule 13 of the notification dated 30.07.2018, the condition of Pay Scale during the probation period was prescribed as "minimum of the pay scale" and the time period of probation was two years.

(ii) That in *W.P No. 12125/2021 (Wasim Akram & others Vs. State of M.P & others)* and *connected petitions vide order dated 06.01.2026*, this Court allowed the aforesaid writ petitions, wherein the petitioners have challenged orders whereby the recovery has been started from the monthly salary in compliance of the circular issued by the General Administration Department of the State Government dated 12.12.2019.

According to the aforesaid circular, these petitioners have been held entitled to get 70%, 80% and 90% of the minimum pay scale of the post in question during their first, second and third years of probation, respectively.

The aforesaid circular came up for consideration before the Coordinate Bench of this Court in the case of *The State of Madhya Pradesh and Others Vs. Dilliraj Bhilala, passed in W.A. No.1498/2024 dated 28.04.2025*. This Court has virtually struck down the aforesaid circular as no logic was found behind the grant of reduced salary in three slabs during the probation period



of three years, when the regular work was taken from these employees. Later on, the aforesaid order has been followed in the case of *Indore Municipal Corporation Vs. Vinita Tiwari and Others, passed in W.A. No.2977/2025 dated 31.10.2025* by dismissing the writ appeal. The relevant paragraph is reproduced below:-

"In view of the above, all the writ petitions succeed, and the impugned order as well as the recovery are both quashed. Any amount recovered from the petitioners be returned to them, and petitioners who did not get 100% salary during the probation periods shall be paid 100% salary for that period."

3. So far constitutional validity of amendment brought in Fundamental Rules vide Gazette notification dated 22.02.2020 (Annexure R-6) by way of substitution of Sub-Rule (1) of Rule 22(c) that the selected candidate through MP PSC will get minimum of pay scale during probation period and service in which the MP PSC does not give recommendation those selected government employee shall be kept in 3 years probation and shall get stipend during three years of probation @ 70%, 80% and 90% of minimum pay scale for 1st, 2nd and 3rd years respectively and during probation period along with stipend, they would get other allowances as government employee.

4. Similar arrangement was made by way of circular dated 12.12.2019 (Annexure R-5) issued by General Administration Department (GAD) in respect of appointment of Class-III and IV employees under Rule 8(1) of M.P Civil Services (General Service Conditions) Rules, 1961. The respondents have filed a preci of minutes of Council of Ministers circulated vide memo dated 25th November, 2019 (Annexure R-4), wherein decision was taken that appointment by way of direct recruitment shall be kept for 3



years on probation and during three years they would get @ 70%, 80% and 90% of minimum pay scale for 1st, 2nd and 3rd years respectively along with other allowances. The Finance Department was authorised to make amendments to the Fundamental Rules. Concerned Departments were also authorised to make amendments in respective departmental recruitment rules. After the aforesaid circular, in all recruitments in the State Government, District Court Establishment, High Court Establishment etc, the appointees were kept on probation for a period of 3 years on stipend @ 70%, 80% and 90% of minimum pay scale for 1st, 2nd and 3rd years respectively. In compliance of the decision taken by the Ministers of Council, most of the Departments have amended their recruitment rules by incorporating payment of stipend during the probation period @ 70%, 80% and 90% of minimum pay scale for 1st, 2nd and 3rd years, respectively. The basis of the decision taken by the Ministers of Council is reproduced below:-

"7. शासन के अंतर्गत लगभग 7.50 लाख (शिक्षक संवर्ग सहित) शासकीय सेवक हैं जिनके लगभग 60 प्रतिशत पद सीधी भर्ती के होंगे अर्थात्, 4.50 लाख। यद्यपि किसी एक वित्तीय वर्ष में सीधी भर्ती से नियुक्ति का आकलन कठिन है परन्तु लगभग 3.5 प्रतिशत की सेवानिवृत्ति के मान से एक वर्ष में लगभग 15750 सीधी भर्ती के पद रिक्त होंगे।

8. यह सर्वमान्य सिद्धांत है कि किसी भी संस्थान में (शासकीय अथवा शासकीय से भिन्न) निर्धारित समयावधि में यदि किसी प्रशिक्षण, विभागीय परीक्षा उत्तीर्ण करने, सेवा की योग्यता के लिये अन्य मापदण्डों को पूर्ण करने आदि की आवश्यकता रहने पर संबंधित द्वारा ऐसी अवधि में अपना बेहतर देने का प्रयास किया जाता है ताकि उस पद पर वह नियमित नियुक्ति प्राप्त कर सके। प्रारंभिक दो-तीन वर्ष की अवधि में संबंधित का यह प्रयास उसे सेवाओं के प्रति अनुशासित व गंभीर बनाता है तथा इस अवधि का परिश्रम निष्ठा, कार्य सीखने व समझने की इच्छा आदि उसकी प्रवृत्ति बन जाती है जो आगे की दीर्घकालिक सेवाओं में निरन्तर रहने पर शासन के लिये लाभकारी हो जाती है। एक अच्छी बुनियाद से शासन को बेहतर लोक सेवक प्राप्त हो सकने की संभावनाये अधिक होगी।"

5. The aforesaid decision does not justify the grant of reduced pay



scale during the probation period to the duly selected candidate against the vacant post. The aforesaid decision is contrary to the principles of natural justice that when 100% work is being taken from an employee, then why should 100% salary not be paid. The candidate is appointed under recruitment Rules after following due process and fulfilling all eligibility criteria; then he is entitled to 100% salary as per the pay scale prescribed for the post. During the probation period also, he is required to perform his duties along with a regular confirmed employee. Keeping an employee on probation initially for 2-3 years is justified in order to evaluate his work for the purpose of confirmation, but payment of @ 70%, 80% and 90% of the minimum pay scale for 1st, 2nd and 3rd years respectively during the probation period is not at all justified, only in respect of Class-III and Class-IV employees. Such a harsh condition is not applicable for recruitment/appointment to the Class-I and Class-II Officers. The Class-I and Class-II Officers are appointed through MPPSC subject to fulfilling their educational qualification. Likewise, Class-III and Class-IV Officers are appointed by the Employee Selection Board subject to fulfilling their educational qualification for the post in question. Why are two categories being created during their probation period in terms of payment of their salary? In order to get confirmation on the post in future, certainly the employee gives his best performance to the best of his ability. If 100% work is being taken from them, then there cannot be justification for payment @ 70%, 80% and 90% of minimum pay scale for 1st, 2nd and 3rd years respectively during the probation period. Therefore, this is nothing but



discrimination against the Class-III and Class-IV employees. Even it is not a policy of the State Government that after confirmation, they would be paid arrears @ 30%, 20% and 10% of the minimum pay scale, which was withheld for 1st, 2nd and 3rd years respectively during the probation period.

6. The employee is liable to get salary on the basis of the pay scale, which is prescribed in the recruitment rules. There is no such provision for payment of pay scale in the name of stipend @ 70%, 80% and 90% of minimum pay scale for 1st, 2nd and 3rd years respectively. Payment of salary lower than the pay scale prescribed in the rules can only be given by way of punishment upon proven misconduct. No recovery or deduction is permissible from the salary without any valid justification.

7. Even by way of punishment, the pay scale cannot be reduced below the minimum pay scale. Only increments are liable to be withheld, or the employee can be reverted to a lower pay scale, but there is no provision of reduction of pay scale even by way of punishment. Thus, there is no reason to give a impression to the employees working on probation period that they are being paid less pay because they are not found suitable for the post or they are doing less work than a regular employee; therefore, such a decision taken by the Ministers of Council circulated vide memo dated 25th November, 2019 (Annexure R-4) is unsustainable, violative of Article 12, 14 of Constitution of India, hence the same is being struck down. Any amendment by the concerned Department, in compliance with the aforesaid circular, is also struck down. However, the rules challenged in these petitions are as follows:



W.P.	Rules Impugned	Rules Impugned	Circular Challenged
WP- 50654/25	Madhya Pradesh School Education Service (Teaching Cadre), Service Conditions and Recruitment Rules, 2018	The Madhya Pradesh Tribes and Scheduled Castes Teaching Cadre (Service and Recruitment) Rules, 2018	Amendment in Rules vide Gazette notification dated 24.02.2020 Rule 14 (Annexure P-10)
WP- 14411-2020	Madhya Pradesh School Education Service (Teaching Cadre) Service Conditions and Recruitment Rules, 2018		Amendment in Rule 13 vide Gazette Notification dated 26.12.2019 (Annexure P-1)
WP- 25316-2025	Rule 8(1) of the Madhya Pradesh Civil Services (General Conditions of Services) Rules, 1961		Madhya Pradesh Fundamental Rule 22-C vide Notification dated (Annexure P-2)
WP- 1470-2026	Rule 8(1) of the Madhya Pradesh Civil Services (General Conditions of Services) Rules, 1961	Madhya Pradesh Fundamental Rule 22-C vide Notification dated 22.02.2020 (Annexure P-3)	GAD Circular dated 12.12.2019 (Annexure P-2)
WP- 1897-2026	Rule 8(1) of the Madhya Pradesh Civil Services (General Conditions of Service) Rules, 1961 (Annexure P-1)	Madhya Pradesh Fundamental Rule 22-C vide Notification dated 22.02.2020 (Annexure P-2)	Circular Dated 12.12.2019 (Annexure P-1)
WP- 2848-2026	Rule 8(1) of the Madhya Pradesh Civil Services (General	Fundamental Rule 22C by notification dated	GAD Circular dated 12.12.2019 (Annexure P-2)



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	Conditions Of Service) Rules, 1961.	22.02.2020 (Annexure P-3)	
WP-2862-2026	Rule 8(1) of the Madhya Pradesh Civil Services (General Conditions Of Service) Rules, 1961.	Fundamental Rule 22C by notification dated 22.02.2020 (Annexure P-4)	GAD circular dated 12.12.2019 (Annexure P-3)
WP-3326-2026	Rule 8(1) of the Madhya Pradesh Civil Services (General Conditions Of Service) Rules, 1961.	Fundamental Rule 22C by notification dated 22.02.2020 (Annexure P-3)	GAD issued circular dated 12.12.2019 (Annexure P-2)
WP-3359-2026	Rule 8(1) of the Madhya Pradesh Civil Services (General Conditions of Service) Rules, 1961 (Annexure P-1)	Fundamental Rule 22C by notification dated 22.02.2020 (Annexure P-2)	GAD issued circular dated 12.12.2019 (Annexure P-1)
WP-3761-2026	Rule 8(1) of the Madhya Pradesh Civil Services (General Conditions of Service) Rules, 1961	Fundamental Rule 22C by notification dated 22.02.2020 (Annexure P-4)	GAD issued circular dated 12.12.2019 (Annexure P-3)
WP-4772-2026	Rule 8(1) of the M.P. Civil Services (General Conditions of Services) Rules, 1961	Order dated 16.01.2023 (Annexure P-1)	Circular dated 12.12.2019 (Annexure P-2)
WP-24056-2026	The Madhya Pradesh Tribes and Scheduled Castes Teaching Cadre (Service and Recruitment) Rules, 2018 (Annexure P-2)	Madhya Pradesh School Education Service (Teaching Cadre) Service Conditions and	GAD vide circular dated 12.12.2019 (Annexure P-8) Amendment in Madhya Pradesh School Education Service (Teaching



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		Recruitment Rules, 2018 (Annexure P-1)	Cadre) Service Conditions and Recruitment Rules, 2018 vide Gazette notification dated 26.12.2019 (Annexure P-9) Amendment dated 24.02.2020 in the Tribal Welfare Department (Annexure P-10)

8. All, the above rules and circulars which prescribe payment @ 70%, 80% and 90% of minimum pay scale for 1st, 2nd and 3rd years respectively during the probation period be struck down. Let all government employees of the concerned Department, who have been appointed after the memo dated 25th November, 2019 be paid full salary for the work done during the period of probation. Accordingly, these writ petitions are allowed.

9. A copy of this order be kept in all connected petitions.

(VIVEK RUSIA)
ACTING CHIEF JUSTICE

(PRADEEP MITTAL)
JUDGE

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