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WP-23090-2026

IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE VISHAL DHAGAT

ON THE 2nd OF JULY, 2026WRIT PETITION No. 23090 of 2026*MITHLESH VISHWAKARMA AND OTHERS**Versus**THE STATE OF MADHYA PRADESH AND OTHERS*

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Appearance:

Shri Gouri Pathak - Advocate for the petitioner.

Ms. Aishwarya Singh - Government Advocate for the State.
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ORDER

Petitioners have filed this writ petition under Article 226 of Constitution of India challenging condition No.3 of appointment orders (Annexure-P/1). In condition No.3 of the orders, it was mentioned that petitioners will get 70%, 80% and 90% of the minimum of pay for the period of three years.

2. It is submitted that said condition was considered by Division Bench in W.A.No.2977/2025 and vide order dated 31.10.2025, it was held that similarly situated petitioners are entitled to get minimum of pay scale during probation and not to be paid 70%, 80% and 90% of the minimum of pay scale. It is submitted that case of petitioners is squarely covered, therefore, petitioners may also be given similar benefits.

3. Learned Govt. Advocate appearing for respondents-State submitted that petitioners are fence-sitter and they did not challenge the order on time.



Appointment orders are of the year 2024, same has been challenged after a period of three years, therefore, petition may not be entertained.

4. Heard learned counsel for parties.

5. On going through the facts of the case, it is found that petitions challenging similar condition has been allowed by Division Bench of this Court. There is some delay on part of petitioners but looking to the fact that similar petitions have already been allowed, same benefit cannot be withhold from petitioners only on the ground of some delay in filing of this writ petition.

6. In view of same, writ petition filed by petitioners is disposed off with direction to petitioners to file separate representation before competent authority within 15 days, which shall be decided by competent authority in light of directions as has been passed by Division Bench in W.A. No.2977/2025, vide order dated 31.10.2025, within a period of 60 days from receipt of separate representation. It is made clear that arrears will not carry any interest for the delayed period.

7. With aforesaid, writ petition filed by petitioner is allowed and disposed off.

8. Certified copy as per rules.

(VISHAL DHAGAT)
JUDGE