

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

BEFORE

**HON'BLE SHRI JUSTICE VIVEK KUMAR SINGH
ON THE 30th OF SEPTEMBER, 2026**

WRIT PETITION No.6386 of 2026

Ruchi Soni & Others

Versus

State of Madhya Pradesh & others

Appearance:

***Shri Kailash Chandra Ghildiyal - Senior Advocate with Ms. Warija Ghildiyal
and Shri Awadhesh Kumar Ahirwar - Advocates for the petitioners.***

Shri Prabhanshu Shukla - Government Advocate for the respondents/State.

Shri Mahendra Singh Lodhi - Advocate for the intervenor.

WITH

WRIT PETITION No.13943 of 2026

Priyanka Sharma

Versus

State of Madhya Pradesh & Another

Appearance:

Shri Vasu Jain - Advocate for the petitioner.

Shri Prabhanshu Shukla - Government Advocate for the respondents/State.

WITH
WRIT PETITION No.16852 of 2026

Kartika Mishra
Versus
State of Madhya Pradesh & others

Appearance:

Shri Vikas Mishra - Advocate for the petitioner.

Shri Hitendra Singh – Government Advocate for the respondent/State.

Reserved on : 24.08.2026

Delivered on : 30.09.2026

ORDER

These three connected writ petitions raise identical questions of law and fact regarding the recruitment process for the post of Supervisor Class-III (Executive) in the Women and Child Development Department. Accordingly, with the consent of the parties, they have been heard analogously and are being disposed of by this common judgment.

2. The petitioners are contractual employees who have rendered more than five years of continuous service in various departments of the State Government. The petitioner in W.P. No. 13943/2026 (Priyanka Sharma) has been working as a contractual Data Entry Operator under the Zila Panchayat,

Bhopal, since 30.09.2019. The petitioners in W.P. No. 16852/2026 serve in capacities such as Data Entry Operators, Feeding Demonstrators and ANMs under the National Health Mission (NHM) across various districts.

3. The Madhya Pradesh Employees Selection Board initiated a recruitment drive for the regular post of Supervisor Class-III (Executive). According to the advertisement, 50% of the total available vacancies (after keeping a 13% quota on hold) were horizontally reserved for contractual employees who had completed five years of service on an equivalent post, in direct adherence to the General Administration Department (GAD) circular dated 22.07.2023. The advertised post of Supervisor carries a pay scale of Rs. 25300–80500, corresponding to Pay Matrix Level 6 under the 7th Pay Commission.

4. The petitioners applied under the 50% reserved quota for contractual employees. They successfully participated in the written examination and secured high ranks in the respective merit lists. For instance, petitioner Priyanka Sharma secured Rank 24 with 98.65% marks in the UR (Samvida Karmi Female) category. The petitioners were subsequently called for document verification which they successfully completed.

5. The dispute arose when the respondents issued the final appointment order on 09.02.2026. A total of 158 candidates were appointed but the petitioners were excluded. It is undisputed that several candidates placed below the petitioners in the merit list were granted appointments. Upon

inquiry, the petitioners were orally informed by the Department that they were deemed ineligible because the contractual posts they currently hold reside at a lower Grade Pay/Pay Matrix Level (Level 4 or 5) than the advertised regular post (Level 6). Consequently, the respondents concluded that the petitioners did not possess experience on an equivalent post as mandated by the circular dated 22.07.2023.

6. Aggrieved, the petitioners approached this Court. Vide order dated 25.02.2026 in W.P. No. 6386/2026, this Court directed that the appointments made on 09.02.2026 shall remain subject to the final outcome of the petition and restrained the respondents from issuing any fresh appointment orders for the remaining vacant posts.

7. Ld. Senior Counsel appearing for the petitioners submitted that ‘equivalent post’ must be interpreted based on the broad administrative classification of the post, i.e., Class-I, II, III or IV. Since both their contractual roles and the advertised Supervisor role are Class-III posts, equivalency is established. Ld. Senior Counsel relied on the prior GAD circular dated 05.06.2018 which explicitly utilized this administrative class-based metric. Furthermore, it is pointed out that Appendix-1 of the 2023 circular itself contains separate columns for “Class” (Column 4) and “Pay Matrix Level” (Column 5), suggesting that administrative classification remains a distinct and valid metric for equivalence.

8. The Ld. Senior Counsel further contended that restricting equivalency exclusively to the financial Pay Matrix Level is an arbitrary executive insertion not contemplated by the true spirit of the policy. It is argued that this inflicts a double injustice by penalizing contractual workers who have historically suffered from financial underpayment by now using that very underpayment to deny them professional advancement to regular posts.

9. To demonstrate inequality, the petitioners highlighted that 321 posts were reserved for Anganwadi Workers vide limited direct recruitment. Despite Anganwadi Workers receiving a meager monthly honorarium of approximately Rs. 10,000/-, the State imposed no Pay Matrix restriction on them. Furthermore, the petitioners brought on record the regularizations of Shri Sachin Kumar Sahu (Level 4 contractual to Level 6 regular) and Shri Manvendra Singh Sengar (Level 4 contractual to Level 7 regular) to prove that the State has historically granted class-based equivalence despite pay-matrix mismatches.

10. The petitioners emphasized that they were permitted to clear the exam and successfully pass document verification. They received no written communication or show-cause notice regarding their rejection; they were merely orally informed of their disqualification at the eleventh hour.

11. The Ld. Senior Counsel relied on *Sinojiya Alpesh Devsibhai v. State of Gujarat* SCA No. 9212/2026, wherein, the Gujarat High Court held that

denying a candidate marks for past experience solely because a private college paid them a fixed salary operates to their double disadvantage. The Court ruled that equivalency must be tested against the grade of the post and the validity of the appointment, not strictly the financial remuneration actually drawn. The Ld. Senior Counsel argued that the 2023 circular's pay matrix rule should be read harmoniously with the administrative 'Class' of the post.

12. *Per contra*, the Ld. Government Advocate vehemently opposed the petitions. The Ld. Government Advocate took a preliminary objection that the petitions suffer from the non-joinder of necessary parties, as the 158 candidates appointed on 09.02.2026 and the respective parent administrative departments responsible for determining equivalency, were not impleaded. It is further submitted by him that the recruitment is governed strictly by the Circular of GAD dated 22.07.2023, which consciously supersedes the 2018 policy. Clauses 1.2, 1.3 and 3 mandate that departments determine equivalency before applying reservations. Columns 5 and 6 of Appendix-1 explicitly dictate that equivalency must be tested against the Pay Matrix Level of the 7th Pay Commission.

13. It is also submitted by Ld. Counsel for the respondent State that the regular Supervisor post sits at pay matrix level 6. The official equivalency orders were issued by the departments on 26.09.2023 and 27.09.2023. The State placed a detailed table on record proving that all 41 petitioners across

these petitions were working at pay matrix levels 4 or 5, thereby, failing the statutory threshold.

14. The Ld. Government Advocate further submits that comparing the petitioners to anganwadi workers is weighing apples against oranges. The anganwadi posts were filled through a distinct limited direct recruitment process, separate from the Circular dated 22.07.2023. Regarding Shri Sahu and Shri Sengar, the State clarified their appointments occurred under the superseded 2018 circular and the stricter 2023 circular was implemented precisely to cure such pay-matrix anomalies.

15. The Ld. Government Advocate relied on ***Md. Firoz Mansuri v. The State of Bihar, SLP (Civil) No. 12236/2025***, wherein, the Hon'ble Supreme Court held that prescribing minimum qualifications falls exclusively within the policy domain of the State, and the question of equivalence of qualifications also lies beyond the domain of judicial review. The Court ruled that restricting a recruitment pool based on specific educational or practical criteria does not violate Articles 14 or 16 and the judiciary cannot rewrite recruitment rules to equate desirable qualifications with essential ones.

16. Rebutting the State's non-joinder objection, the petitioners proved through statistical data that out of 126 posts reserved for female contractual employees (Code-04), only 42 were filled on 09.02.2026, leaving 84 posts vacant. In their rejoinder, they conceded they seek accommodation only

against these 84 remaining vacancies without unseating any of the 158 currently appointed candidates. Furthermore, documentation was provided proving petitioner No. 21 possesses 5 years and 8 months of valid experience, contrary to respondents claims.

17. Heard the respective counsel and perused the record.

18. The controversy falls within a narrow compass: Whether the petitioners, holding contractual posts at Pay Matrix Levels 4 and 5 can be deemed to hold an “equivalent post” to the regular Supervisor post (Pay Matrix Level 6) for the purpose of the 50% horizontal reservation under the General Administration Department (GAD) Circular dated 22.07.2023.

19. The State raised a preliminary objection that the writ petitions are defective for failing to implead the 158 candidates who were appointed vide the impugned order dated 09.02.2026 as well as the parent departments of the petitioners. It is a settled proposition of service jurisprudence that an appointment order cannot be set aside behind the back of the beneficiaries. However, the petitioners have successfully cured this defect in their pleadings. The petitioners have put statistical data on record which demonstrates that out of the 126 posts reserved for female contractual employees, only 42 were filled, leaving 84 vacancies. By categorically conceding in their rejoinder that they seek accommodation exclusively against these 84 remaining unfilled vacancies without disturbing the 158 finalized appointments, the petitioners

have salvaged the maintainability of their claim. The petitions are thus maintainable strictly to the extent of the petitioners' contingent rights against the currently vacant posts.

20. The core of the petitioners case rests on a contextual interpretation of equivalent post. The petitioners contend that because their contractual posts and the advertised Supervisor post are both broadly categorized as Class-III, the equivalence requirement is satisfied, relying on the erstwhile GAD circular dated 05.06.2018. They further argued that Appendix-1 of the 2023 circular preserves this by maintaining a separate column (Column 4) for "Class". This submission, though attractive at first blush is legally unsustainable.

21. The 2023 circular represents a conscious executive departure from the 2018 regime. Clauses 1.2 and 1.3 of the 2023 circular strictly mandate that equivalency must be determined prior to reservation and Column 5 of Appendix-1 explicitly establishes the pay matrix level of the 7th Pay Commission as the definitive statutory benchmark for that equivalence. Where the language of the executive policy is explicit in imposing a financial matrix test, the Court cannot isolate Column 4 to revive the superseded 2018 criteria.

22. The State's defense is anchored heavily on the recent Hon'ble Supreme Court's judgment in *Md. Firoz Mansuri (supra)*. The Hon'ble Apex Court categorically held that the prescription of minimum qualifications and the assessment of suitability, fall within the exclusive policy domain of the State

as an employer. The Hon'ble Supreme Court ruled that the question of equivalence of qualifications also lies beyond the domain of judicial review and courts cannot rewrite service rules to equate desirable or alternative qualifications with essential ones. The State is completely within its legal competence to classify posts and strictly enforce the pay matrix level 6 requirement to prevent administrative anomalies. This Court cannot usurp the employer's prerogative by judicially declaring a Level 4/5 contractual post to be equivalent to a Level 6 regular post in direct contravention of the 2023 circular.

23. The petitioners mounted an Article 14 challenge by comparing their exclusion to the inclusion of Anganwadi workers who face no pay matrix restriction despite a low honorarium and by citing the past regularizations of Shri Sachin Kumar Sahu and Shri Manvendra Singh Sengar who transitioned from Level 4 to Levels 6 and 7. Both comparisons fail the test of legal parity. The 321 posts earmarked for Anganwadi workers were filled through a limited direct recruitment mechanism which is a distinct statutory stream entirely separate from the 50% horizontal reservation governed by the circular dated 22.07.2023. Article 14 permits reasonable classification and does not mandate identical treatment across distinct recruitment sources.

24. While the State's strict textual interpretation succeeds on the law, the execution of this recruitment process was severely marred by administrative

arbitrariness. The petitioners relied on *Sinojiya Alpesh Devsibhai (supra)* to argue that weaponizing their historically lower contractual pay to deny them regular career advancement inflicts a double injustice. Though *Md. Firoz Mansuri (supra)* prevents this Court from striking down the rule itself, the equitable grievances highlighted by High Court precedents cannot be ignored. The State possessed full knowledge of the petitioners' contractual pay grades from the moment the applications were filed. Yet, the respondents permitted the petitioners to expend time and resources to participate in the written examination, secure top ranks on the merit lists and successfully clear document verification, only to be orally informed of their disqualification at the final hurdle. While there can be no estoppel against a statute, such eleventh-hour administrative ambushade is procedurally unfair.

25. Given the extensive field experience these petitioners have rendered in critical departments like the National Health Mission and Zila Panchayats, a mechanical rejection based exclusively on an arithmetic pay-grade mismatch without any functional evaluation is highly inequitable. The circular dated 22.07.2023 itself contemplates such administrative friction. Clause 3.3 explicitly establishes a High-Level Committee headed by the Chief Secretary to resolve difficulties regarding the equivalence of posts. This built-in dispute resolution mechanism provides the perfect middle path to balance the strict

mandate of the Hon'ble Supreme Court with the equitable rights of the petitioners.

26. In view of the detailed analysis above, the primary relief seeking quashment of the appointment order dated 09.02.2026 is rejected.

27. However, to secure the ends of justice and remedy the procedural impropriety, the individual cases of the 41 petitioners across these three writ petitions are remanded to the Equivalence Committee constituted under Clause 3.3 of the GAD circular dated 22.07.2023. The Committee shall evaluate the substantive, functional and administrative duties actually performed by the petitioners in their respective contractual capacities against the duties of a regular Supervisor. The Committee shall take a final, reasoned decision regarding their functional equivalency independent of the strict Pay Matrix mismatch within a period of 90 days from the date of receipt of a certified copy of this order.

28. During this 90 day period, the State shall reserve and keep exactly 41 posts vacant out of the 84 currently unfilled contractual vacancies (Code 04) to protect the contingent rights of the petitioners pending the Committee's final decision.

29. Accordingly, the writ petitions stand **disposed** of.

30. All pending applications stands disposed of. There shall be no order as to costs.

(VIVEK KUMAR SINGH)
JUDGE