



IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE VISHAL DHAGAT

ON THE 25th OF SEPTEMBER, 2026

WRIT PETITION No. 37462 of 2026

AKSHAY SHRIVASTAVA AND OTHERS

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

Appearance:

Shri Rizwan Khan - Advocate for the petitioners.

Shri Girish Prakash Kekre - Government Advocate for the State.

ORDER

Since common facts and law arise for consideration in present case, therefore, petitioners are permitted to prefer joint petition.

2. Petitioners have filed this petition under Article 226 of the Constitution of India challenging impugned condition included in the appointment order of the petitioners by which the petitioners have been paid 70%, 80% and 90% of the minimum pay during the first three year of appointment.

3. Learned counsel appearing for the petitioners submitted that issue involved in the present petition has already been considered and decided by this Court in similar cases, wherein the condition prescribing payment of 70%, 80% and 90% of the minimum of the pay scale in first three years during probation was held to be bad in law and directions were issued to pay minimum of the pay scale for period of probation to petitioner therein. Counsel for petitioners relied upon *order dated 31.10.2025* passed in *WA No.2977/2025 {Indore Municipal Corporation Vs. Vinita Tiwari and others}* by Division Bench. Prayer is made that a similar order may kindly be passed in the present case also.



4. Learned Government Advocate appearing for respondents/State opposed the prayer made by petitioners and submitted that similar orders passed by High Court granting benefit of payment of full pay during probation period is under challenge before the Apex Court in *Diary No.20778/2026* which is pending, therefore, this case may not be disposed of.

5. Learned counsel appearing for petitioners submitted that in the said case, no stay has been granted by the Hon'ble Apex Court.

6. Heard the counsel for the parties.

7. However, no stay has been granted by Apex Court, therefore, writ petition filed by the petitioners is disposed of directing respondent authority to grant benefit to petitioner as has been directed vide *order dated 31.10.2025* passed in *WA No.2977/2025*. Before granting aforesaid benefit to petitioners, an undertaking shall be received from petitioners that they will return or file indemnity bond of the entire amount of said benefit, if respondents succeed in similar issue before the Apex Court.

8. With aforesaid directions, writ petition is *disposed of*.

(VISHAL DHAGAT)
JUDGE