

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WRIT PETITION (S) NO. 194 OF 2010

Mrs. Usha Gupta W/o Shri N.K. Gupta, aged about 51 years, occupation Service, working as Upper Division Teacher at Lal Bahadur Shastri Higher Secondary School, Bilaspur (C.G.), runs and controlled by the Municipal Corporation, Bilaspur, R/o Bilaspur, Tehsil and District Bilaspur (C.G.)

... Petitioner

Versus

1. The Municipal Corporation Bilaspur, through its Commissioner, Municipal Corporation, Bilaspur, Tehsil & District Bilaspur (C.G.)
2. The State of Chhattisgarh, through the Secretary, School Education Department, Mantralay at D.K.S. Bhawan, Raipur (C.G.)
3. Principal, Lal Bahadur Shastri Higher Secondary School, Bilaspur (C.G.)

... Respondents

For Petitioner	:	Mr. V.R. Tiwari, Advocate.
For Respondent no.1	:	Mr. Raghvendra Verma, Advocate, under instructions of Mrs. Hamida Siddiqui, Advocate.
For Respondent no.2	:	Mr. R.K. Gupta, Dy. Advocate General.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

07/04/2016

1. Challenge in the present writ petition is to the order dated 4.12.2009 whereby the benefit of two advance increments for B.Ed. that the Petitioner undertook prior to her appointment was withdrawn by Respondent no.1 and ordered for recovery of the amount already paid to the Petitioner. The recovery part was protected by this Court vide interim order dated 15.1.2010 and since then the Petitioner is availing the benefits.
2. Learned Counsel for the Petitioner submits that subsequent to the filing of the writ petition and the subsequent development that has transpired of a similar writ petition being allowed by the High Court and

the Supreme Court also affirmed the same, the State Government vide order dated 5.1.2011 has as a matter of policy decided to grant the benefits of two increments even to those Lecturers/Upper Division Teachers who have obtained B.Ed./B.T.I. training prior to their appointment.

3. This aspect has not been disputed by the learned Counsel for the State. However, he wants that the writ petition may be disposed of subject to the department verifying the entitlement of the Petitioner in the light of the decision of the State Government dated 5.1.2011.

4. Accordingly, the present writ petition is disposed of holding that in the light of the order dated 5.1.2011 the case of the Petitioner shall also be decided by the Respondents and till the Respondents take a decision in the case of the Petitioner, she shall be entitled for the benefit that she is drawing as on date by virtue of the interim protection granted by this Court on 15.1.2010.

5. Needless to mention that taking into consideration the fact that the present writ petition is of the year 2010 and the Petitioner as on date is about 56-57 years of age, the decision in the case of the Petitioner be taken by the Respondents at the earliest preferably within a period of three months.

6. The writ petition stands disposed of with the aforesaid directions.

Sd/-
(P. Sam Koshy)
Judge