

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 4409 of 2016

1. Rama Shankar Pandey S/o Shri R.K. Pandey, Aged About 35 Years Working As Head Master, Govt. Primary School, Sapnai, Block & Distirct Raigarh Chhattisgarh
2. Ghanshyam Singh Patel S/o Shri Tejsingh Patel, Aged About 38 Years Working As Head Master, Govt. Primary School, Usrout, Block & District Raigarh Chhattisgarh
3. Ashish Rangari, S/o Shri Chndra Shekhar Rangari, Aged About 41 Years Working As Head Master, Govt. Primary School, Hardijhariya, Block & District Raigarh Chhattisgarh
4. Premnarayan Patel, S/o Shri Rambhajan Patel, Aged About 39 Years Working As Head Master Primary School, Adbahar, Block & District Raigarh Chhattisgarh
5. Gajanand Patel S/o Shri T.D. Patel, Aged About 40 Years Working As Head Master Govt. Primary School, Balbhadrapur, Block & District Raigarh Chhattisgarh
6. Chandra Prakash, S/o Shri B.P. Panda, Aged About 42 Years Working As Head Master, Govt. Primary School, Manuwapali, Block & District Raigarh Chhattisgarh
7. Amit Kumar Dubey S/o Shri Hiralal Dubey, Aged About 40 Years Working As Head Master Govt. Primary School Parsada, Block & District Raigarh Chhattisgarh
8. Smt. Gouri Mohanti W/o Shri Sushant Mohanti, Aged About 39 Years Working As Head Master Govt. Primary School, Indira Awas, Godam, Block Sarangarh, & District Raigarh Chhattisgarh

---- Petitioners

Versus

1. State Of Chhattisgarh Through The Secretary, Education Department Mahanadi Bhawan, New Mantralaya, Raipur Chhattisgarh
2. Directorate Of Public Instruction, New Mantralaya, Raipur, District Raipur Chhattisgarh
3. District Education Officer, Raigarh, District Raigarh Chhattisgarh
4. Block Education Officer, Raigarh, District Raigarh Chhattisgarh
5. Block Education Officer, Sarangarh, District Raigarh Chhattisgarh

---- Respondents

Shri R.S. Patel, counsel for the petitioner/s.
Shri R.K.Gupta, Dy.A.G. for the State.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

05/09/2016

Counsel for the petitioner submits that the petitioner is entitled to benefit of two advance increments on account of they having passed B.Ed/ D.Ed. Examination before their appointment at their own expenses. It is submitted that the issue involved in the present petition is no longer *res integra* and the same has been finally decided by the Hon'ble Supreme Court in the case of **Asha Saxena v. State of M.P. & Ors.2009 (III) MPJR (SC) 59.**

2. It is further submitted that this Court has also taken a similar view in its order dated 06/02/2009 passed in WPS No.6257/2008. Counsel for the petitioner further submits that the order dated 29/04/2010 passed in Writ Appeal No.124/2009, wherein relying upon the judgment of the Supreme Court in the case of **Asha Saxena** (supra) and the order passed by this Court in another Writ Appeal No.87/2009, directions have been issued for consideration of the case for grant of two advance increments as per circular dated 21/09/1974 issued by the State of Madhya Pradesh, after verification of the facts pleaded in the petition.

3. Counsel for the State submits that case of the petitioner would also be considered on the same lines.

4. In view of above, the petition is disposed off with a direction to the respondent authorities to decide the claim of the petitioner for grant of two advance increments as per circular dated 21/09/1974 issued by the State of Madhya Pradesh after verification of the facts pleaded in the petition within a period of eight weeks from today.

Sd/-

**(Manindra Mohan Shrivastava)
Judge**