

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 4013 of 2014**

Smt. Vidhya Verma, aged 40 years, W/o Shri Anil Kumar Banchhor, Post Lecturer Govt. Kanya Higher Secondary School Vaishali Nagar, Bhilai Distt. Durg. C.G. P.S. Risali Bhilai Distt. Durg.

---- Petitioner**Versus**

1. State Govt. of C.G. Through The Secretary, School Education Department P.S. Rakhi, New Raipur C.G.
2. District Education Officer, Durg, (C.G)
3. Principal Govt. Girls Higher Secondary School Vaishali Nagar Bhilai District Durg. C.G.

---- Respondents**Writ Petition (S) No. 4016 of 2014**

Smt. Hemlata Bhatiya, aged 45 Years, W/o Shri Naresh Bhatiya, Post Lecturer Govt. Kanya Higher Secondary School Vaishali Nagar, Bhilai Distt. Durg. C.G. P.S. Risali Bhilai Distt. Durg.

---- Petitioner**Versus**

1. State Govt. of C.G. Through The Secretary, School Education Department, P.S. Rakhi, New Raipur C.G.
2. District Education Officer, Durg (C.G)
3. Principal Govt. Girls Higher Secondary School Vaishali Nagar, Bhilai Distt. Durg. C.G.

---- Respondents**AND****Writ Petition (S) No. 4018 of 2014**

Smt. Pushpa Singh, aged 46 Years, W/o Shri Vipin Kumar Singh, Upper Division Teacher Govt. Kanya Higher Secondary School Vaishali Nagar Bhilai Distt. Durg. C.G. P.S. Resali Bhilai Distt. Durg.

---- Petitioner**Versus**

1. State Govt. of C.G. Through The Secretary, School Education Department, P.S. Rakhi, New Raipur C.G.
2. District Education Officer, Durg (C.G)

3. Principal Govt. Girls Higher Secondary School Vaishali Nagar Bhilai Distt.
Durg. C.G.

---- Respondents

For Petitioners	:	Mr. Ajay Shrivastava, Advocate
For Respondent-State	:	Mr. Bhaskar Pyashi, Panel Lawyer

Hon'ble Shri Manindra Mohan Shrivastava, J.

Order on Board

15/09/2016

1. Heard.
2. Since the common question of fact and law are involved in these petitions, therefore, they are being decided by this common order.
3. The petitioners in these cases have claimed that they are entitled to two advance increments from the date when they have obtained qualification of D.Ed. after 01/03/1999.
4. Learned counsel for the petitioners submits that this aspect has been considered by this Court in **WPS No. 3793 of 2013 (Ramsingh Mali v. State of Chhattisgarh and others)** and analogous writ petitions, in which, it has been held that in such cases, teachers would be entitled to two advance increments. He further submits that SLP filed by State has already been dismissed by the Supreme Court, therefore, it attained finality.
5. Learned State counsel submits that as the petitioners have passed D.Ed. examination after 01/03/1999, they are not entitled for grant of any increment in view of the circular dated 11/03/2008.
6. Issue with regard to grant of two advance increments came up for consideration by this Court in large number of petitions, which were decided by the common order passed on 06/12/2013. This Court in paragraph No. 3 of the said order observed that the petitioners were not granted any increment on the

ground that they acquired qualification after 01/03/1999. However, the aforesaid contention of the State-respondents was not accepted by this Court. After giving anxious consideration to various judicial pronouncement referred to Paragraphs No. 6, 7, 8, 9, and 10. In paragraph-11 of the order, this Court explicitly held as under:-

“11. For the foregoing, this Court is of the considered opinion that the petitioners, who have acquired the qualification as mentioned in the circular after 01/03/1999 are held entitled for two advance increments.”

7. From the aforesaid decision, which have attained finality, it is clear that even in those cases where teachers were acquired qualification after 01/03/1999 are entitled to two advance increments, therefore, the cases of the petitioners are required to be considered by the State keeping in view the order dated 06/12/2013 referred to above particular finding recorded in Paragraph No. 11 thereof.

8. In view of the above, the State-respondents are directed to consider the case of the petitioners and pass necessary orders in their matter in accordance with law, keeping in view the judgment of this Court passed on 06/12/2013 in **Ramsingh Mali** (supra) and analogous writ petitions.

9. With the aforesaid observation, the petitions are disposed off.

Sd/-

(Manindra Mohan Shrivastava)
Judge