

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 4737 of 2016

1. Sanjeev Kumar Sethi S/o Shri S. C. Sethi, Aged About 42 Years Working As Head Master Govt. Primary School, Jharguda, Block & District Raigarh (Chhattisgarh)
2. Vikas Kumar Tiwari, S/o Shri Ajay Kumar Tiwari, Aged About 42 Years Working As Head Master Govt. Primary School, Devbahal, Block & District Raigarh (Chhattisgarh)
3. Smt. Kumudini Mahapatra, W/o Shri Sujit Kumar Mahapatra, Aged About 44 Years Working As Head Misterss, Govt. Primary School, Loharpara Regda, Block & District Raigarh (Chhattisgarh)
4. Padamlochan Choudhary, S/o Shri Bimbadhar Choudhary, Aged About 41 Years Working As Head Master Govt. Primary School, Salhepali, Block & District Raigarh (Chhattisgarh)
5. Smt. Padma Patel, W/o Shri Hemant Kumar Patel, Aged About 44 Years Working Head Mistress, As Govt. Primary School, Nansia, Block & District Raigarh (Chhattisgarh)
6. Ku. Manisha Tripathy, D/o Shri S. L. Tripathy, Aged About 41 Years Working As Head Mistress, Govt. Primary School, Parsadipa, Block & District Raigarh (Chhattisgarh)
7. Smt. Manju Usha Singh Thakur, W/o Shri Sunil Singh Thakur, Aged About 43 Years Working As Head Master Govt. Primary School, Gerwani, Block & District Raigarh (Chhattisgarh)

---- Petitioners

Versus

1. State Of Chhattisgarh Through : The Secretary, Education Department, Mahanadi Bhawan New Mantralaya, Raipur (Chhattisgarh)
2. Director 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).

---- Respondents

For Petitioner	:	Shri R.S.Patel, Advocate
For State	:	Shri Aditya Sharma, Panel Lawyer

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

24/11/2016

1. Counsel for the petitioners submits that the petitioners are 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 petitioners 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 petitioners 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 petitioners 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/-

(Sanjay K. Agrawal)
Judge

L/-