

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 4782 OF 2015**

Sunita Gedam D/o Late Shri T.D. Gedam, aged about 43 years U.D.T. Tribal Girls Ashram Kui Block Pandriya, District Kabirdham, (Chhattisgarh)

---- Petitioner**Versus**

1. State of Chhattisgarh through the Secretary, Tribal Welfare Department, Mahanadi Bhawan, Raipur, (Chhattisgarh)
2. The District Education Officer, District Kabirdham, (Chhattisgarh)
3. The Assistant Commissioner, Tribal Welfare Department, District Kabirdham, (Chhattisgarh)
4. The Block Education Officer, Block Pandriya, District Kabirdham, (Chhattisgarh)

---- Respondents

For Petitioner	:	Mr. Anil Mourya, Advocate
For State	:	Mr. Ajit Singh, P.L.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****04/02/2016**

1. Learned counsel for the parties submit that issue raised in this writ petition squarely covered by the decision

rendered by this Court in Writ Petition (S) No. 4680/2014 (*Hem Lal Sahu v. State of Chhattisgarh and others*) decided on 30/10/2014. Paragraphs 6 & 7 of the order states as under:-

“6. The fact remains that second part of circular dated 06/02/2007 has already been set aside by the co-ordinate Bench of this Court in case of **Kunwar Kant Dewangan (Supra)** filed by the similarly situated Assistant Teachers which has been affirmed by the Division Bench in writ appeal filed by the State i.e. **State of Chhattisgarh & Others (Supra)** holding as under:

“11. By fixing the said period for getting above qualifications for grant of two advance increments, the State Government, in fact, has issued the said circular, having a retrospective effect on the service prospects of the Teachers/Assistant Teachers/Lecturers, which does not appear to be reasonable as any circular affecting an existing increment policy and causing prejudice to the rights of the respondents cannot be made applicable retrospectively (**Vide: State of Rajasthan v. Uchhab Lal Chhanwal**¹).

12. It is for all these reasons, the writ court has allowed the writ petitions of the respondents and other petitioners on the above terms, in the light of circular dated 24/12/1998 and other circulars ignoring the contents of second part of circular dated 06/02/2007.

¹ 2014 (1) SCC 144

7. Accordingly, accepting the submission raised by the learned counsel for the petitioners, these writ petitions are also disposed of in terms of order rendered by the Division Bench of this Court in W.A. No. 105 of 2014, as also mentioned in para 6 of this order, and the respondents are directed to consider their cases in the light of circular dated 24/12/1998 and other circulars ignoring the contents of second part of circular dated 06/02/2007.”

2. Accepting the submission on behalf of the parties, this writ petition is disposed of in terms of order passed in *Hem Lal Sahu (supra)*.

Sd/-

(Sanjay K. Agrawal)
JUDGE

Tiwari