

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****Writ Petition (S) No. 4331 of 2015**

Smt. Asgari Akhater W/o Late Shri Firoj Akhater, aged about 57 Years, Presently posted as Upper Division Teacher, Carmel Girls Higher Secondary School, Raigarh, District Raigarh, (Chhattisgarh)

---- Petitioner**Versus**

1. State of Chhattisgarh through the Secretary, Department of School Education, Mahanadi Bhawan, New Raipur, (Chhattisgarh)
2. Director, Public Instruction Pension Bada, Raipur, (Chhattisgarh)
3. District Education Officer, Raigarh, (Chhattisgarh)

---- Respondents

For Petitioner	:	Shri Rakesh Dubey, Advocate
For Respondents/State	:	Shri B. Gopa Kumar, Dy. Advocate General

Hon'ble Shri Justice P. Sam Koshy**Order On Board****01/03/2017**

Grievance of the petitioner is that the respondent-authorities have not released the benefit of two advance increments to the petitioner for the qualification of B.Ed that she has obtained at her own cost before joining the service.

2. Counsel for the petitioner submits that a series of decisions have been passed by this Court for grant of two advance increments to the similarly placed persons in the department who are junior to the petitioner. For reasons best known to the respondents, the petitioner has been denied the same. Counsel for the petitioner relies on the decision of this Court in the case of Ashok Kumar Rawate Vs. State of CG and others decided on 28.11.2014 in WPS No. 1706/12 and also in the case of Vinay Kumer Pandey Vs. State of CG & Ors decided on 15.03.2010 in Writ Petition (S) No. 1086 of 2010. Counsel for the petitioner prays that let the respondent

authorities consider the case of the petitioner on its merit and pass a suitable order deciding the representation of the petitioner whether he is entitled for the said benefit or not? If the petitioner is found entitled, she may be granted the said benefit and if she is not found entitled, she has all the right to know why she is not entitled for the said benefit.

3. This proposition forwarded by the counsel for the petitioner is acceptable to the State counsel.

4. Accordingly, the present writ petition is disposed of with a direction to the petitioner that in addition to her earlier representation, she shall make a fresh representation along with the copy of the orders passed by this Court in similar nature to respondent no.3 within a period of two weeks from today. The respondent no.3 in turn shall take a decision on the said representation of the petitioner within a further period of 90 days from the date of receipt of the fresh representation.

5. It is made clearly that this Court has not expressed any opinion on the merits of the case and the Authority concerned shall decide the representation of the petitioner strictly in accordance with law.

**Sd/-
(P. Sam Koshy)
JUDGE**