

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 852 of 2012**

Dubey Prasad, S/o. Rohna Ram, Aged about 49 years, Occupation Headmaster, R/o. Village Karra Post Karra, Rajpur, District Surguja, Chhattisgarh

---- Petitioner**Versus**

1. State of Chhattisgarh, Through: Secretary, Tribal Welfare Department, D.K.S. Bhawan, Mantralaya, Raipur, District Raipur, Chhattisgarh
2. Assistant Commissioner, Tribal Welfare Department, Ambikapur, District Surguja, Chhattisgarh
3. Treasury Officer, Account and Pension, Ambikapur, District Surguja Chhattisgarh

----Respondents

For Petitioner	:	None
For State	:	Ms. Astha Shukla, Panel Lawyer

Hon'ble Shri Justice P. Sam Koshy**Order on Board****05/09/2018**

1. The challenge in the present writ petition is to the order Annexure P/1 dated 24.10.2011, whereby the claim for grant of two advance increments on the petitioner's obtaining the B.Ed. degree has been rejected by the respondents.
2. Perusal of the record would show that the only ground, on which the claim of the petitioner has been rejected was that the petitioner has obtained the B.Ed. degree after 01.03.1999, whereas as per the then prevailing circular of the State Government, the cutoff date was 01.03.1999 i.e. all those teachers, who have obtained B.Ed. degree up till 01.03.1999 on their own expenses would be entitled for grant of two advance increments.
3. The ground on which the claim of the petitioner has been rejected does not need any further deliberation for the reason that in the light of the

subsequent decisions made by this Court, wherein the cutoff date also has been considered in the subsequent decisions in the case of ***“Kunwarkant Dewangan vs. State of Chhattisgarh & others”*** WPS No. 6927/2011 and other analogous writ petitions, decided on 06.12.2013.

4. In the light of the fact that this issue has already been decided by this Court in the case of ***“Kunwarkant Dewangan”*** (supra), the impugned order Annexure P/1 dated 24.10.2011 may not be sustainable and the same deserves to be and is accordingly set-aside/quashed. The respondents are directed to consider the case of the petitioner in the light of the subsequent decisions of this Court, whereby the benefit of two advance increments have been ordered to be extended even to all those persons who have obtained B.Ed. degree even after 01.03.1999.
5. Let the respondents, under whom the petitioner is presently discharging his duties, scrutinize the case of the petitioner and if he stands eligible in the light of the judgment of this Court in the case of ***“Kunwarkant Dewangan”*** (supra), the petitioner also be extended similar benefits.
6. Let this exercise be concluded within a period of 90 days from the date of receipt of certified copy of this order.
7. The writ petition accordingly stands allowed and disposed off.

Sd/-
(P. Sam Koshy)
Judge