

HIGH COURT OF CHHATTISGARH, BILASPUR**WRIT PETITION (S) NO. 80 OF 2014**

Nand Ram Jangde S/o Kejaw Ram Jangde, Aged About 46 Years,
Working as Head Master, Govt. Middle School, Saraskambo, Block
Bagicha, P.S. Bagicha, Distt. Jashpur, C.G.

---- **Petitioner**

Versus

1. State of Chhattisgarh through Secretary, Tribal Welfare Department,
P.S. Rakhi, Tahsil Aarang, Naya Raipur, Distt. Raipur, C.G.
2. Commissioner, Tribal Welfare Department, Raipur, Ravi Shankar
University Campus, P.S. Tatibandh, Raipur, Distt. Raipur, C.G.
3. Assistant Commissioner, Tribal Welfare Department, Jashpur, P.S.
Jashpur, Distt. Jashpur C.G.
4. Block Education Officer, Bagicha, P.S. and Block Bagicha, Distt.
Jashpur, C.G.
5. Joint Director Accounts, Treasury and Pension, Surguja Division,
Ambikapur, P.S. Ambikapur, Distt. Surguja C.G.

... **Respondent(s)**

For Petitioner	:	Shri C. Jayant K. Rao, Advocate.
For Respondent-State	:	Shri Ashutosh Pandey, PL.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

03.08.2018.

1. The relief sought for in the present writ petition was for a direction to the respondents for quashing the recovery proceeding initiated against the petitioner in the light of the circular dated 01.03.1999.
2. So far as the recovery of two advance increments paid to the petitioner on his obtaining B.Ed. Degree before his employment is

concerned, it was initially granted to the petitioner but was subsequently proposed to be recovered.

3. The said issue is now no longer res integra as based upon the judgment of Supreme Court in Asha Saxena Vs. State of MP & Ors, 2009 (III)MPJR(SC)-59, this court in WPS No.344 of 2011 as also in other batch of writ petitions decided by this High Court the leading case of which being WPS No.6927 of 2011, decided on 06.12.2013, wherein it has been held that the persons who have obtained B.Ed. degree on their own cost before entry into service are entitled for two annual increments.
4. Given the facts that the issue involved in the present case has already been adjudicated upon, nothing further remains to be adjudicated in the present writ petition. The present petition deserves to be and is hereby allowed in similar terms and it is directed that the petitioner shall be entitled for two annual increments on account of his being passed B.Ed. examination on his own cost before entering into service.
5. The writ petition is accordingly allowed and disposed of. As a consequence, any proceeding for recovery initiated against the petitioner for the two increments which has been granted on account of obtaining B.Ed. qualification before employment would stand quashed with the consequences to follow.

Sd/-
(P. Sam Koshy)
Judge