

HIGH COURT OF CHHATTISGARH, BILASPUR**WRIT PETITION (S) NO. 148 OF 2012**

Smt. Fuljencya Ekka W/o Praveen Kumar Xalxo, aged about 46 years, working as Upper Division Teacher in Govt. Middle School, Patratoli, Block Duldula, District Jashpur (CG).

...Petitioner(s)

Versus

1. State of Chhattisgarh, through the Secretary, Tribal Welfare Department DKS Bhawan, Raipur (CG).
2. Commissioner, Tribal Welfare Department Raipur (CG).
3. Asst. Commissioner Tribal Welfare Department, District Jashpur (CG).
4. Block Education Officer, Duldula, Tehsil Duldula, District Jashpur (CG).

... Respondent(s)

For Petitioner	:	Shri Harish Khutiya, Advocate.
For Respondent-State	:	Shri Ashutosh Pandey, PL.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

03.07.2018.

1. The issue involved in the present writ petition is the grant of two annual increments to the petitioner on account of obtaining B.Ed. qualification on her own cost before joining the service.
2. 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.

3. 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 her being passing B.Ed. examination on her own cost before entering into service.
4. The writ petition is accordingly allowed and disposed of. As a consequence, order impugned dated 02.09.2010 (Annexure P/1) stands set aside/quashed.

Sd/-
(P. Sam Koshy)
Judge