

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 7343 of 2017

Kamlesh Kumar Kamade S/o Shri Charan Lal Kamde Aged About 41 Years
Presently Working As Teacher (Panchayat) Government Middle School
Manjholi Block Pandariya District Kabirdham R/o Mathpara Ward No. 11
Kawardha District Kabirdham Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary Department Of Urban Development And Administration Mahanadi Bhawan Naya Raipur Police Station Rakhi Post Office Mantralaya Raipur Chhattisgarh. 492002 .
2. The Collector (Kawardha) Collectorate Compound , Kabirdham Chhattisgarh.
3. The Chief Executive Officer, Jila Panchayat Kawardha District Kabirdham Chhattisgarh.
4. District Education Officer, (Kawardha) District Kabirdham Chhattisgarh.

---- Respondents

For Petitioner	:	Shri Ajit Singh, Advocate
For State	:	Shri Prasunn Bhaduri, Govt. Advocate

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

02/01/2018

Heard.

1. Learned counsel for the parties would not dispute that the legal issue involved in this petition is governed by common order dated 3.11.2017 passed by this Court in WPS No.4271 of 2017 and batch of petitions, applicable in case of those who were appointed under Panchayat Shiksha Karmi (Bharti Tatha Seva Ki Sarten) Niyam, 1997.
2. In the order dated 3.11.2017 referred to above, in respect of those Teachers who were appointed under 1997 Rules, following directions were

issued:

“Such petitioners who were appointed under the 1997 Niyam when there was no condition of having B.Ed./D.Ed. qualification are held entitled to the revised pay scale/time pay scale as well as increment and the impugned action withdrawing the said benefits from such petitioners is quashed. They shall continue to get all the benefits, which they were enjoying just before issuance of the impugned communications.”

3. The petitioner being an appointee under the Rules of 1997 is also entitled to similar direction. Accordingly, it is directed that the petitioner is entitled to revised pay scale/time pay scale as well as increment and the impugned action withdrawing the said benefits from the petitioner on the ground of he being not possessed of B.Ed./D.Ed. qualification is quashed. The petitioner shall continue to get all the benefits which he was enjoying before the impugned action.
4. The petition is accordingly allowed.

Sd/-
(Manindra Mohan Shrivastava)
Judge