

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 4303 of 2018**

- Mansharam Baghel S/o Shri Ramadhin Baghel Aged About 48 Years Presently Working As Assistant Teacher Panchayat At Government Primary School, Mahidabra, Block Pandariya, District Kabirdham CG

---- **Petitioner****Versus**

1. State Of Chhattisgarh Through The Secretary, Department Of Panchayat And Rural Development Mantralaya Police Station Rakhi Tahsil Aarang Naya Raipur District Raipur Chhattisgarh.
2. Commissioner Cum Director, Directorate Of Panchayat, Naya Raipur District Raipur Chhattisgarh.
3. Chief Executive Officer, Zila Panchayat Kabirdham, District Kabirdham CG

---- **Respondents**

For applicant	Mr. C.Jayant K. Rao, Adv.
For Respondent/State	Mr. Rajkumar Gupta, Dy. Adv. General.

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****4-7-2018**

1. Heard.
2. 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.
3. 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.”

4. The petitioner preferred this writ petition to quash the impugned orders Annexure P-1 and P-2. The petitioner is Assistant Teacher, Panchayat, appointed on 2-5-2005. Now he is posted in the Government Primary School, Mahidabra, Block Pandaria.
5. 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.
6. The petition is accordingly allowed.

Sd/-
(Sharad Kumar Gupta)
Judge