

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 4659 of 2018**

Smt. Durgeshwari W/o Chandan Das Baghel Aged About 35 Years Working As Lecturer (Panchayat) At Govt. Higher Secondary School Marda, Block Baloda Bazar District Baloda Bazar- Bhatapara Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary Department Of Panchayat And Rural Development Mahanandi Bhawan, Mantralaya, Naya Raipur District Raipur Chhattisgarh
2. Chief Executive Officer Zila Panchayat Baloda Bazar -Bhatapara, District Baloda Bazar -Bhatapara Chhattisgarh

---- Respondents

For the Petitioner	:	Shri Govind Dewangan, Advocate
For the State	:	Ms. Sunita Jain, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**19/07/2018**

1. Heard counsel for the parties.
2. 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, 2007.
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 is Assistant Teachers, Panchayat. She being appointees under the Rules of 2007 are 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 she being not possessed of B.Ed./D.Ed. qualification is quashed. The petitioner shall continue to get all the benefits which she was enjoying before the impugned action.
5. The petition is accordingly allowed.

Sd/-
(Sharad Kumar Gupta)
Judge