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HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 818 of 2016**

1. Ashok Kumar Hazra S/o Late J.R. Hazra Aged About 63 Years Principal Retired, Ganpat Sindhi Higher Secondary School, Mahamayi Para, Purani Basti, Raipur Chhattisgarh R/o New Kailashpuri, Mathpara Road, Raipur Chhattisgarh
2. Prakash Dange S/o Late Waman Rao Dange, Aged About 65 Years Lecturer Retired, Ganpat Sindhi Higher Secondary School, Mahamayi Para, Purani Basti, Raipur Chhattisgarh, District : Raipur, Chhattisgarh

---- Petitioners**Versus**

1. State Of Chhattisgarh Through Secretary, School Education Department, Mahanadi Bhawan, Mantralaya, New Raipur, Police Station Rakhi, District Raipur Chhattisgarh
2. Commissioner, Directorate Public Instructions, Pension Bada, Raipur Chhattisgarh
3. District Education Officer, Raipur, District Raipur Chhattisgarh
4. Principal, Ganpat Sindhi Higher Secondary School, Mahamayi Para, Purani Basti, Raipur Chhattisgarh

----Respondents**AND****WPS No. 1685 of 2016**

1. Suresh Kumar Namdev S/o Late Babu Lal Namdev Aged About 64 Years Lecturer Retired, Rashtriya Higher Secondary School, Kutchery Chowk, Raipur Chhattisgarh R/o M.A. Greenland, Vishal Nagar, Behind Chhattisgarh Hotel, Telibandha, Raipur Chhattisgarh
2. Ramadhar Sudhoshmani S/o Late Chaitram Sudhoshmani, Aged About 66 Years Assistant Grade-I Accountant Retired, Rashtriya Higher Secondary School, Kutchery Chowk, Raipur District Raipur Chhattisgarh R/o Village And Post Chhatod, Tahsil Tilda, District Raipur Chhattisgarh

---- Petitioners**Versus**

1. State Of Chhattisgarh Through Secretary, School Education Department, Mahanadi Bhawan, Mantralaya, New Raipur, Police Station Rakhi, District Raipur Chhattisgarh
2. Commissioner, Directorate Public Instructions, Pension Bada, Raipur Chhattisgarh
3. District Education Officer, Raipur, District Raipur Chhattisgarh
4. Principal, Rashtriya Higher Secondary School, Kutchery Chowk, Raipur, Chhattisgarh

----Respondents

AND**WPS No. 939 of 2016**

1. Raghav Ram Rajput S/o Late Kripa Ram Rajput, Aged About 63 Years Principal Retired, Rashtriya Higher Secondary School, Kutchery Chowk, Raipur Chhattisgarh, R/o House No. 6, Street No. 1 Sector 1, Professors Colony, Raipur Chhattisgarh
2. Udal Singh Thakur, S/o Late Hukum Singh, Thakur, Aged About 63 Years Vyayam Shikshak P.T.I. Retired Rashtriya Higher Secondary School, Kutchery Chowk, Raipur Chhattisgarh R/o D/ 55, Tagore, Nagar, Raipur, Chhattisgarh

---- Petitioners**Versus**

1. State Of Chhattisgarh Through Secretary, School Education Department, Mahanadi Bhawan, Mantralaya, New Raipur, Police Station Rakhi, District Raipur Chhattisgarh
2. Commissioner, Directorate Public Instructions, Pension Bada, Raipur Chhattisgarh
3. District Education Officer, Raipur, District Raipur Chhattisgarh
4. Principal, Rashtriya Higher Secondary School, Kutchery Chowk, Raipur, Chhattisgarh

----Respondents**AND****WPS No. 938 of 2016**

Suresh Chandra Tripathi S/o Shri Mukyanath Tripathi Aged About 63 Years Assistant Teacher Retired, Shri Ramchandra Sanskrit Higher Secondary School, Gol Bazar, Naya Para, Raipur Chhattisgarh R/o Gandhi Baba Bhawan, Opposite Bharadwaj, Rawatpura Nagar, Mathpuraina, Post Office Sundar Nagar, Raipur Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Secretary, School Education Department, Mahanadi Bhawan, Mantralaya, New Raipur, Police Station Rakhi, District Raipur Chhattisgarh
2. Commissioner, Directorate Public Instructions, Pension Bada, Raipur Chhattisgarh
3. District Education Officer, Raipur, District Raipur Chhattisgarh
4. Principal, Shri Ramchandra Sanskrit Higher Secondary School, Gol Bazar, Naya Para, Raipur, Chhattisgarh

----Respondents

For Petitioners	:	Mr. S.S. Rajput, Advocate
For State	:	Mr. Adhiraj Surana, Dy. G.A.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

15/05/2018

1. These four writ petitions have been filed seeking for a direction to the respondents to grant the benefits of leave encashment to the petitioners, who were working in the Non-government Private Aided Educational Institutions, and who have since retired, at par with the benefits of leave encashment paid to the government employees.
2. The counsel for the petitioners submits that an identical issue came up before this Court in WPS No. 5075/2014, which stood allowed and disposed off on 26.04.2018. This Court while disposing of the said writ petition has held as under:-

“14. Unless the circular dated 25/08/1986 is expressly superseded by either the State of Madhya Pradesh or for that matter subsequently by the State of Chhattisgarh, the said circular will definitely have a force of law which would be enforceable.

15. A plain reading of the contents of the circular would by itself reveal that, the contents of the circular is as emphatic as it can be. It has been in a very categorical terms decided that the Teachers and employees working in an aided institutions would be entitled for H.R.A., leave encashment and Ex-Gracia payment at par with their counter parts in the Government School.

16. In the absence of any order, circular or law by either the State of Madhya Pradesh or by the State of Chhattisgarh, it is difficult to presume that the said circular is not in force as on date in the State of Chhattisgarh.

17. In view of the same, this Court has no hesitation in holding that Annexure P/1 is to be bad in law and

deserve to be and is accordingly set aside/quashed.

18. The petitioner would be entitled for leave encashment as was applicable to the Government Teacher or employee in a Government School.

19. It is directed that the respondent No.2 shall immediately process the case of the petitioner and provide him the benefit of leave encashment at par that of a Government Teacher.”

3. Counsel for the petitioners submits that since the petitioners' claim are also of identical nature; the same relief may also be granted to the petitioners as well.
4. On perusal of the facts, the learned State counsel submits that factually the cases of the petitioners are identically placed as that of the petitioner in WPS No. 5075/2014.
5. Given the aforesaid facts and circumstances of the case, the present writ petitions also stand allowed and disposed off with a direction to the respondent/State to consider and decide the claim of the petitioners as well for grant of leave encashment in the light of circular dated 25.08.1986, which envisages granting of similar benefits at par with the State Government employees.
6. The writ petitions stand allowed and disposed off.

Sd/-
(P. Sam Koshy)
Judge