

HIGH COURT OF CHHATTISGARH, BILASPUR**WRIT PETITION (S) NO.6597 OF 2018**

Anthony Masih S/o Shri P.R. Masih Aged About 35 Years Working As Lecturer (L.B.), Govt. Higher Secondary School, Kachri, Block Khairagarh, District Rajnandgaon Chhattisgarh.

...Petitioner(s)

Versus

1. State Of Chhattisgarh Through Secretary, Department Of Panchayat Mahanadi Bhawan, Mantralaya, New Raipur, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh
2. Secretary Department Of School Education Mahanadi Bhawan, Mantralaya New Raipur, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh
3. Chief Executive Officer Jila Panhayat, Rajnandgaon, District Rajnandgaon Chhattisgarh., District : Rajnandgaon, Chhattisgarh
4. District Education Officer, Rajnandgaon, District Rajnandgaon Chhattisgarh., District : Rajnandgaon, Chhattisgarh
5. Principal Govt. Higher Secondary School, Kachri, Block Khairagarh, District Rajnandgaon Chhattisgarh., District : Rajnandgaon, Chhattisgarh

... Respondent(s)

For Petitioner	:	Shri Shashi Kushwaha, Advocate.
For Respondent-State	:	Shri Mazid Ali, Dy. Govt. Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

05.10.2018

1. The limited prayer which the petitioner has sought in this writ petition is for a direction to respondent no.1 to take a decision on the claim of the petitioner for grant of two advance increments on his/her obtaining B.Ed./D.Ed. certificate both prior to appointment as well as subsequent to the appointment which is being otherwise provided to the Govt. teachers.
2. The claim of the petitioner is based on the fact that the nature of duties discharged by him/her as Shiksha Karmis are identical and similar to the government teachers and his/her services have also now got merged with the Education Department. Therefore, the benefits which are being extended to the government teachers should also be extended to the petitioner.
3. Given the nature of dispute and also the fact that the claim of the petitioner would require a policy decision on the part of the State Govt., this court does not intend to keep the petition pending any further, rather ends of justice would meet if the petition is disposed of with a direction to

respondents 1 & 2 to take a decision in this regard as to whether the petitioner would also be entitled for similar benefits as are being granted to the regular government teachers. It is ordered accordingly. Let this exercise be concluded within a period of 4 months from the date of receipt of certified copy of this order. It shall be the responsibility of the petitioner to bring the order of this Court to the notice of respondents 1 & 2 along with any fresh representation, if they so prefer.

4. It is made clear that this Court has not expressed anything on merits of the case so far as the entitlement of the petitioner is concerned. The Respondents shall be at liberty to take a decision independently.

Sd/-
(P. Sam Koshy
Judge