

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****Writ Petition (S) No. 7031 of 2018**

1. Gyanbhushan Mahish S/o Shri Uday Narayan Mahish, Aged About 41 Years Working As Lecturer E. (L.B.) And Posted At Govt. High School Jhumka, Block Bilaigarh, District Baloda Bazar- Bhatapara, Chhattisgarh
2. Hemant Kumar Sahu S/o Shri Lakhan Lal Sahu, Aged About 39 Years, Working As Lecturer E. (L.B.) And Posted At Govt. Boys Higher Secondary School Sarsiwa, Block Bilaigarh, District- Balodabazar-Bhatapara, Chhattisgarh
3. Keshav Prasad Tandel S/o Shri Sahiram Tandel, Aged About 52 Years, Working As Assistant Teacher (L.B.) And Posted At Govt. Primary School Odkakan, Block Bilaigarh, District- Baloda Bazar- Bhatapara, Chhattisgarh
4. Ramsajivan Jaiswal S/o Shri Sahasram Jaiswal, Aged About 41 Years, Working As Assistant Teacher (L.B.) And Posted At Govt. Primary School Hiardi, Block Bilaigarh, District- Baloda Bazar- Bhatapara, Chhattisgarh

---- Petitioners**Versus**

1. State Of Chhattisgarh Through Secretary, Department Of Panchayat Mahanadi Bhawan, Mantralaya New Raipur, District- Raipur, Chhattisgarh
2. Secretary, Department Of School Education Mahanadi Bhawan, Mantralaya New Raipur, District- Raipur, Chhattisgarh
3. Director, Directorate Of Chhattisgarh Public Instruction, Atal Nagar, Raipur, District- Raipur, Chhattisgarh
4. Chief Executive Officer, Zila Panchayat, Baloda Bazar-Bhatapara, District- Panchayat, Baloda Bazar-Bhatapara, Chhattisgarh

5. District Education Officer Baloda Bazar-Bhatapara, District- Baloda Bazar-Bhatapara, Chhattisgarh
6. Chief Executive Officer, Janpad Panchayat, Bilaigarh, District- Baloda Bazar- Bhatapara, Chhattisgarh
7. Block Education Officer, Block Bilaigarh, District- Baloda Bazar-Bhatapara, Chhattisgarh

---- Respondents

For Petitioners	:	Shri Uday Pratap Singh Sahu, Advocate
For Respondent/State	:	Shri Majid Ali, Dy. Govt. Advocate

Hon'ble Shri Justice P. Sam Koshy

Order On Board

25/10/2018

The limited prayer which the petitioners have sought in this writ petition is for a direction to respondent no.1 to take a decision on the claim of the petitioners for grant of two advance increments on their 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 petitioners is based on the fact that the nature of duties discharged by them as Shiksha Karmis are identical and similar to the government teachers and their 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 petitioners. The petitioners in this regard have made representations to the respondents.

3. Given the nature of dispute and also the fact that the claim of the petitioners 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 petitioners 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 petitioners are concerned. The Respondents shall be at liberty to take a decision independently.

**Sd/-
(P. Sam Koshy)
JUDGE**