

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 7718 of 2018

1. Bhushan Prasad Sahu S/o J alas Ram Sahu Aged About 45 Years Presently Working As Teacher (L.B.) At Govt. Middle School, Khairdongari, Block Pandariya, District Kabirdham, Chhattisgarh.
2. Dew Lal Sahu S/o Kunju Ram Sahu Aged About 46 Years Presently Working As Teacher (L. B.) At Govt. Middle School Khairdongari, Block Pandariya, District Kabirdham, Chhattisgarh.

---- Petitioners

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Panchayat And Rural Development, Mantralaya Mahanadi Bhawan, Atal Nagar Raipur, District Raipur, Chhattisgarh.
2. Secretary Department Of Education Mantralaya, Mahanadi Bhawan, Atal Nagar Raipur, District Raipur, Chhattisgarh.
3. Director Directorate Of Chhattisgarh Public Instructions, Atal Nagar, Raipur, District Raipur, Chhattisgarh.
4. Chief Executive Officer Zila Panchayat Kabirdham, District Kabirdham, Chhattisgarh.
5. District Education Officer Kabirdham District Kabirdham Chhattisgarh.

---Respondents

For Petitioner	:	Mr. C. Jayant K. Rao, Advocate
For State	:	Mr. Dheeraj Wankhede, Govt. Advocate

Hon'ble Shri Justice P. Sam Koshy

Order on Board

28/11/2018

1. 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.

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 petitioners 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

Ved