

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 7865 of 2018**

Nand Kishore Upadhyay S/o Shri Loknath Upadhyay Aged About 48 Years Assistant Teacher (Panchayat), Working At Government Higher Secondary School Bharritola, District - Kanker Chhattisgarh., District : Kanker, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, School Education Department, Mahanadi Bhawan, Atal Nagar, New Raipur Chhattisgarh., District : Raipur, Chhattisgarh
2. District Education Officer Kanker, District - Kanker Chhattisgarh., District : Kanker, Chhattisgarh
3. Block Education Officer Charama, District - Kanker Chhattisgarh., District : Kanker, Chhattisgarh

---- Respondents

For petitioner : Shri Somkant Verma, Advocate
 For State : Shri S. P. Kale, Dy. AG

Hon'ble Shri Justice P. Sam Koshy**Order on Board****01/12/2018**

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 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 petitioner 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 petitioner. It seems that the petitioner for redressal of the grievance, till date, not moved any representation. Let the petitioner make a detailed representation to the respondents in this regard.

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 on the representation so filed by the petitioner and shall decide 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

Rohit