

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 714 of 2019

1. Hemant Kumar Tiwari S/o Shri Mithilesh Kumar Tiwari Aged About 42 Years Presently Working As Lecturer (T. L. B.), At Govt. Higher Secondary School, Dulla, Balock Chhura, District Gariaband Chhattisgarh., District : Gariyabandh, Chhattisgarh
2. Smt. Sandhya Thakur W/o Pratap Narayan Singh Thakur Aged About 35 Years Presently Working As Lecturer (T. L. B.), At Govt. Higher Secondary School, Dulla, Balock Chhura, District Gariaband Chhattisgarh., District : Gariyabandh, Chhattisgarh
3. Smt. Lukeshwari Sahu W/o Dinesh Kumar Sahu Aged About 40 Years Presently Working As Lecturer (T. L. B.), At Govt. Higher Secondary School, Dulla, Balock Chhura, District Gariaband Chhattisgarh., District : Gariyabandh, Chhattisgarh
4. Smt. Ranjana Sahu W/o Shri Banshi Lal Sahu Aged About 44 Years Presently Working As Lecturer (T. L. B.), At Govt. Higher Secondary School, Dulla, Balock Chhura, District Gariaband Chhattisgarh., District : Gariyabandh, Chhattisgarh
5. Bhoopendra Kumar Soni S/o Neelmanee Soni Aged About 37 Years Presently Working As Teacher (T. L. B.), At Govt. Middle School, Dulla, Block Chhura, District Gariaband Chhattisgarh., District : Gariyabandh, Chhattisgarh
6. Kamal Narayan Kosariya S/o Sitaram Kosariya Aged About 43 Years Presently Working As Lecturer (T. L. B.), At Govt. Higher Secondary School, Dulla, Block Chhura, District Gariaband Chhattisgarh., District : Gariyabandh, Chhattisgarh
7. Yogesh Singh Thakur S/o Late Pila Singh Thakur Aged About 46 Years Presently Working As Lecturer (T. L. B.), At Govt. Higher Secondary School, Piperchhedhi, Block Chhura, District Gariaband Chhattisgarh., District : Gariyabandh, Chhattisgarh
8. Dindayal Tandan S/o Budga Ram Tandan Aged About 48 Years Presently Working As Lecturer (T. L. B.), At Govt. Higher Secondary School, Piperchhedhi, Block Chhura, District Gariaband Chhattisgarh., District : Gariyabandh, Chhattisgarh
9. Sunil Kumar Shrivastava S/o Rambiharri Shrivastava Aged About 40 Years Presently Working As Lecturer (T. L. B.), At Govt. Higher Secondary School, Kosmi, Block Chhura, District Gariaband Chhattisgarh., District : Gariyabandh, Chhattisgarh
10. Vinod Kumar Dewangan S/o Sakharam Dewangan Aged About 48 Years Presently Working As Lecturer (T. L. B.), At Govt. Gpd Boys Higher Secondary School, Chhura, Block Chhura, District Gariaband Chhattisgarh., District : Gariyabandh, Chhattisgarh
11. Rajendra Kumar Verma S/o Shri Milu Ram Verma Aged About 41 Years Presently Working As Lecturer (T. L. B.), At Govt. Higher Secondary School, Rasela, Block Chhura, District Gariaband Chhattisgarh., District : Gariyabandh, Chhattisgarh
12. Sushil Kumar Pandey S/o Ramashankar Pandey Aged About 35 Years Presently Working As Assistant Teacher (T. L. B.), At Govt. Gpd Boys Higher Secondary School, Chhura, Block Chhura, District Gariaband Chhattisgarh., District : Gariyabandh, Chhattisgarh

13. Bhupat Kumar Kannauje S/o Hemlal Kannauje Aged About 40 Years Presently Working As Lecturer (T. L. B.), At Govt. Girls Higher Secondary School, Chhura, Block Chhura, District Gariaband Chhattisgarh., District : Gariyabandh, Chhattisgarh
14. Krishna Kumar Sahu S/o Shri Rajendra Kumar Sahu Aged About 50 Years Presently Working As Lecturer (T. L. B.), At Govt. Girls Higher Secondary School, Chhura, Block Chhura, District Gariaband Chhattisgarh., District : Gariyabandh, Chhattisgarh
15. Yuvraj Kanwar S/o Pila Ram Kanwar Aged About 35 Years Presently Working As Assistant Teacher (T. L. B.), At Govt. Girls Higher Secondary School, Chhura, Block Chhura, District Gariaband Chhattisgarh., District : Gariyabandh, Chhattisgarh
16. Chinta Ram Jain S/o Shri Chamru Ram Jain Aged About 42 Years Presently Working As Lecturer (T. L. B.), At Govt. Higher Secondary School, Rasela, Block Chhura, District Gariaband Chhattisgarh., District : Gariyabandh, Chhattisgarh
17. Lalit Kumar Kerketta S/o Shri Manual Kerketta Aged About 45 Years Presently Working As Lecturer (T. L. B.), At Govt. Higher Secondary School, Pendra, Block Chhura, District Gariaband Chhattisgarh., District : Gariyabandh, Chhattisgarh
18. Smt. Madhubala Sahu W/o Nemichand Sahu Aged About 43 Years Presently Working As Lecturer (T. L. B.), At Govt. Higher Secondary School, Pendra, Block Chhura, District Gariaband Chhattisgarh., District : Gariyabandh, Chhattisgarh
19. Smt. Fulgencia Kerketta W/o Shri Lalit Kumar Kerketta Aged About 44 Years Presently Working As Lecturer (T. L. B.), At Govt. Higher Secondary School, Kansinghi, Block Chhura, District Gariaband Chhattisgarh., District : Gariyabandh, Chhattisgarh
20. Narayan Prasad Sahu S/o Shri Ramnath Sahu Aged About 38 Years Presently Working As Lecturer (T. L. B.), At Govt. Higher Secondary School, Charouda, Block Chhura, District Gariaband Chhattisgarh., District : Gariyabandh, Chhattisgarh
21. Poshan Lal Verma S/o Shri Jageshwar Verma Aged About 45 Years Presently Working As Lecturer (T. L. B.), At Govt. Higher Secondary School, Lohjhar, Block Chhura, District Gariaband Chhattisgarh., District : Gariyabandh, Chhattisgarh
22. Smt. Sarita Sahu S/o Shri Bhagwat Sahu Aged About 32 Years Presently Working As Teacher (T. L. B.), At Govt. Middle School, Tilaidadar, Block Chhura, District Gariaband Chhattisgarh., District : Gariyabandh, Chhattisgarh
23. Uttam Kumar Kurre S/o Shri Shyam Lal Kurre Aged About 42 Years Presently Working As Lecturer (T. L. B.), At Govt. Girls High Secondary School, Parsadakhurd, Block Chhura, District Gariaband Chhattisgarh., District : Gariyabandh, Chhattisgarh
24. Smt. Sunita Dhruw W/o Shri Naresh Kumar Dhruw Aged About 33 Years Presently Working As Lecturer (T. L. B.), At Govt. Girls High Secondary School, Parsadakhurd, Block Chhura, District Gariaband Chhattisgarh., District : Gariyabandh, Chhattisgarh
25. Yogesh Kumar Patel S/o Nilkanth Patel Aged About 32 Years Presently Working As Lecturer (E. L. B.), At Govt. Higher Secondary School, Sendar, Block Fengeshwar, District Gariaband Chhattisgarh., District : Gariyabandh, Chhattisgarh

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Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Panchayat And Rural Development, Mantralaya, Mahanadi Bhawan , Atal Nagar Raipur, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh
2. Secretary Department Of Education, Mantralaya, Mahanadi Bhawan, Atal Nagar, Raipur, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh
3. Director Directorate Of Chhattisgarh Public Instructions, Atal Nagar Raipur, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh
4. Chief Executive Officer Zila Panchayat, Gariaband, District Gariaband Chhattisgarh., District : Gariabandh, Chhattisgarh
5. District Education Officer Gariaband, District Gariaband Chhattisgarh., District : Gariabandh, Chhattisgarh
6. Chief Executive Officer Janpad Panchayat, Chhura, District Gairaband Chhattisgarh., District : Gariabandh, Chhattisgarh
7. Block Education Officer Chhura, District Gariaband Chhattisgarh., District : Gariabandh, Chhattisgarh
8. D.D.O. Govt. Higher Secondary School, Dulla, Balock Chhura, District Gariaband Chhattisgarh., District : Gariabandh, Chhattisgarh
9. D.D.O. Govt. Higher Secondary School, Piperchhed, Block Chhura, District Gariaband Chhattisgarh., District : Gariabandh, Chhattisgarh
10. D.D.O. Govt. Gpd Boys Higher Secondary School, Chhura, Block Chhura, District Gariaband Chhattisgarh., District : Gariabandh, Chhattisgarh
11. D.D.O. B.E.O. Chhura, Block Chhura, District Gariaband Chhattisgarh., District : Gariabandh, Chhattisgarh
12. D.D.O. Govt. Higher Secondary School, Akalwara, Block Chhura, District Gariaband Chhattisgarh., District : Gariabandh, Chhattisgarh
13. D.D.O. Govt. Tds, Govt. Higher Seceondary School Fingeshwar Block Fingeshwar, District Gariaband Chhattisgarh., District : Gariabandh, Chhattisgarh

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For Petitioner	:	Mr. CJK Rao, Advocate
For State	:	Mr. Rahul Mishra, Dy. Govt. Advocate

Hon'ble Shri Justice P. Sam Koshy

Order on Board

04/02/2019

Given the nature of relief sought for, the default pointed out by the Registry stands over ruled. With the consent of the parties matter heard and disposed off.

1. The limited prayer which the petitioners 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 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 him as Shiksha Karmi is 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.
4. 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.

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

Sd/-
(P. Sam Koshy)
Judge

Rohit