

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 328 of 2019

1. Ganesh Ram Chandrakar S/o Shri Bhagawani Chandrakar Aged About 50 Years Working As Teacher (L.B.) And Posted At Govt. Middle School Chingraud, Block And Tahsil Mahasamund, District Mahasamund Chhattisgarh.
2. Bhuneshwar Prasad Sahu S/o Shri Mehattaru Aged About 52 Years Working As Teacher (L.B.) And Posted At Govt. Middle School Umarda, Block And Tahsil Mahasamund, District Mahasamund Chhattisgarh.
3. Jitendra Sonkala S/o Shri Prem Lal Aged About 44 Years Working As Assistant Teacher (L.B.) And Posted At Govt. Primary School Umarda, Block And Tahsil Mahasamund, District Mahasamund Chhattisgarh.
4. Bhart Lal Kannouje S/o Shri Tukaram Kanouje Aged About 56 Years Working As Teacher (L.B.) And Posted At Govt. Middle School Dhansuli, Block And Tahsil Mahasamund, District Mahasamund Chhattisgarh.
5. Jyotsana Kannouje W/o Shri Bhart Lal Kannouje Aged About 47 Years Working As Teacher (L.B.) And Posted At Govt. Middle School Kanekera, Block And Tahsil Mahasamund, District Mahasamund Chhattisgarh.
6. Bhupendra Kumar Chandrakar S/o Shri K.R. Chandrakar Aged About 44 Years Working As Teacher (L.B.) And Posted At Govt. Middle School Malidih, Block And Tahsil Mahasamund, District Mahasamund Chhattisgarh.
7. Bhuvan Lal Kannouje S/o Tukaram Kanouje Aged About 52 Years Working As Teacher (L.B.) And Posted At Govt. Middle School Mohandi, Block Bagabahara, District Mahasamund Chhattisgarh.
8. Gayatri Kannouje D/o Shri Bhuvan Lal Kannouje Aged About 40 Years Working As Teacher (L.B.) And Posted At Govt. Primary School Mamabhancha, Block Bagabahara, Tahsil Mahasamund, District Mahasamund Chhattisgarh.
9. Hemlal Tondrey S/o Shri Bhudhram Aged About 40 Years Working As Teacher (L.B.) And Posted At Govt. Middle School Raitum, Block And Tahsil Mahasamund, District Mahasamund Chhattisgarh.
10. Pushma Dhruw W/o Shri Rohit Kumar Dhruw Aged About 42 Years Working As Teacher (L.B.) And Posted At Govt. Middle School Bakma, Block And Tahsil Mahasamund, District Mahasamund Chhattisgarh.
11. Smriti Chandrakar W/o Shri Purushottam Chandrakar Aged About 38 Years Working As Teacher (L.B.) And Posted At Govt. Middle School Bakma, Block And Tahsil Mahasamund, District Mahasamund Chhattisgarh.
12. Kalyan Kumar Patel S/o Shri Anuj Ram Patel Aged About 43 Years Working As Teacher (L.B.) And Posted At Govt. Middle School Patewa, Block And Tahsil Mahasamund, District Mahasamund Chhattisgarh.
13. Chetan Kumar Gayakwad S/o Shri Sukhe Lal Gayakwad Aged About 41 Years Working As Teacher (L.B.) And Posted At Govt. Middle School Raitum, Block Patewa, Tahsil Mahasamund, District Mahasamund Chhattisgarh.
14. Rekha Bai Diwan W/o Shri Sanjay Diwan Aged About 38 Years Working As Teacher (L.B.) And Posted At Govt. Middle School Bijarabhata, Block Patewa, Tahsil Mahasamund, District Mahasamund Chhattisgarh.

15. Tikendra Kumar Chandrakar S/o Shri Ramswaroop Chandrakar Aged About 46 Years Working As Teacher (L.B.) And Posted At Govt. Middle School B.K. Bahara, Block Bagabahara, Tahsil Mahasamund, District Mahasamund Chhattisgarh.
16. Navin Kumar Chandrakar S/o Shrik Ganesh Ram Chandrakar Aged About 51 Years Working As Teacher (L.B.) And Posted At Govt. Higher Secondary School Bemcha, Block And Tahsil Mahasamund, District Mahasamund Chhattisgarh.
17. Vijay Kumar Tiwari S/o Shri Harishankar Tiwari Aged About 36 Years Working As Teacher (L.B.) And Posted At Govt. Higher Secondary School Bemcha, Block And Tahsil Mahasamund, District Mahasamund Chhattisgarh.
18. Sharda Tiwari W/o Shri Vijay Kumar Tiwari Aged About 35 Years Working As Teacher (L.B.) And Posted At Govt. Nutan Middle School Tumgaon, Block And Tahsil Mahasamund, District Mahasamund Chhattisgarh.
19. Devraj Sen S/o Shri Ramadhar Sen Aged About 38 Years Working As Teacher (L.B.) And Posted At Govt. High School Lohardih, Block And Tahsil Mahasamund, District Mahasamund Chhattisgarh.
20. Paras Ram Chandrakar S/o Shri Jagmohan Aged About 46 Years Working As Teacher (L.B.) And Posted At Govt. High School Lahagar, Block And Tahsil Mahasamund, District Mahasamund Chhattisgarh.
21. Parmeshwar Dayal Navratn S/o Shri Dayaram Navratn Aged About 44 Years Working As Teacher (L.B.) And Posted At Govt. Higher Secondary School Khamhariya, Block Bagabahara, Tahsil Mahasamund, District Mahasamund Chhattisgarh.
22. Kanhaiya Lal Sen S/o Shri Khelawan Sahu Aged About 48 Years Working As Teacher (L.B.) And Posted At Govt. Middle School Saradih, Block And Tahsil Mahasamund, District Mahasamund Chhattisgarh.
23. Kishlal Dhruw S/o Shri Budhram Dhruw Aged About 42 Years Working As Teacher (L.B.) And Posted At Govt. Middle School Pasid Tahsil Mahasamund, District Mahasamund Chhattisgarh.
24. Vinod Kumar Diwan S/o Shri Subelal Diwan Aged About 42 Years Working As Teacher (L.B.) And Posted At Govt. Middle School Lakhanpur Tahsil Mahasamund, District Mahasamund Chhattisgarh.
25. Puran Patel S/o Shri Ganesh Ram Patel Aged About 47 Years Working As Teacher (L.B.) And Posted At Govt. Middle School Lakhanpur, Tahsil Mahasamund, District Mahasamund Chhattisgarh.
26. Sarita Sahu D/o Tulas Ram Sahu Aged About 34 Years Working As Assistant Teacher (L.B.) And Posted At Govt. Primary School Pidi, Tahsil Mahasamund, District Mahasamund Chhattisgarh.
27. Tikeshwar Sahu S/o Shri Sukhu Ram Sahu Aged About 32 Years Working As Teacher (L.B.) And Posted At Govt. High School Gumgaon, Tahsil Mahasamund, District Mahasamund Chhattisgarh.
28. Anamika Sahu S/o Shri Tulas Ram Sahu Aged About 30 Years Working As Assistant Teacher (L.B.) And Posted At Govt. Primary School Ghodari, Tahsil Mahasamund, District Mahasamund Chhattisgarh.
29. Jagannath Sahu S/o Shri Goverdhan Ram Sahu Aged About 43 Years Working As Teacher (L.B.) And Posted At Govt. Middle School Teka, Block Bagbahara, Tahsil Mahasamund, District Mahasamund Chhattisgarh.

30. Tarun Kahar S/o Shri Raman Kahar Aged About 46 Years Working As Teacher (L.B.) And Posted At Govt. Middle School Khatta Tahsil Mahasamund, District Mahasamund Chhattisgarh.
31. Tulendra Kumar Sagar S/o Shri Gorakhanath Sagar Aged About 47 Years Working As Teacher (L.B.) And Posted At Govt. Higher Secondary School Patewa, Block And Tahsil Mahasamund, District Mahasamund Chhattisgarh.
32. Sital Kumar Chaturvedi S/o Shri Itwari Ram Chaturvedi Aged About 45 Years Working As Teacher (L.B.) And Posted At Govt. Middle School Patewa, Block And Tahsil Mahasamund, District Mahasamund Chhattisgarh.
33. Maya Bhosle W/o Santosh Rao Bhosle Aged About 49 Years Working As Assistant Teacher (L.B.) And Posted At Govt. Primary School Kharora, Tahsil Mahasamund, District Mahasamund Chhattisgarh.

---- **Petitioners**

Versus

1. State Of Chhattisgarh Through Secretary, Department Of School Education Mahanadi Bhawan, Mantralaya New Raipur, District Raipur Chhattisgarh.
2. District Education Officer Zila Panchayat, Mahasamund, District Mahasamund Chhattisgarh.
3. Block Education Officer Block Mahasamund, District Mahasamund Chhattisgarh.
4. Block Education Officer Block Bagabahara, District Mahasamund Chhattisgarh.

--- **Respondents**

For Petitioners	:	Mr. G.P. Mathur, Advocate
For State	:	Mr. Jitendra Pali, Dy. A.G.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

17/01/2019

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