

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 1095 of 2019

1. Chandrakant Pandey S/o Shri Radheshyam Pandey, Aged About 49 Years, Presently Working As Lecturer (L.B.) At Govt. Higher Secondary School Khamhariya, Block Masturi District Bilaspur, Chhattisgarh.
2. Madhukar Ogrey S/o Radhelal Ogrey, Aged About 41 Years, Presently Working As Lecturer (L.B.) At Govt. Higher Secondary School Khamhariya, Block Masturi District Bilaspur, Chhattisgarh.
3. Dheerendra Singh Kshatri S/o Netan Singh Kshatri, Aged About 39 Years, Presently Working As Lecturer (L.B.) At Govt. Higher Secondary School Khamhariya, Block Masturi District Bilaspur, Chhattisgarh.
4. Ku. Vandana Batra D/o Murlidhar Batra, Aged About 35 Years, Presently Working As Lecturer (L.B.) At Govt. Higher Secondary School Khamhariya, Block Masturi District Bilaspur, Chhattisgarh.
5. Smt. Pushpa Minj W/o Dharamveer Minj, Aged About 52 Years, Presently Working As Lecturer (L.B.) At Govt. Higher Secondary School Khamhariya, Block Masturi District Bilaspur, Chhattisgarh.
6. Vijay Kumar Verma S/o Mitthu Lal Verma, Aged About 42 Years, Presently Working As Lecturer (L.B.) At Govt. Higher Secondary School Parsada (T), Block Bilha District Bilaspur, Chhattisgarh.
7. Pawan Kumar Patel S/o Shri Kailash Singh Patel, Aged About 50 Years, Presently Working As Lecturer (L.B.) At Govt. Higher Secondary School Seepat, Block Masturi District Bilaspur, Chhattisgarh.
8. Smt. Sarita Yadav W/o Krishna Kumar Yadav, Aged About 45 Years, Presently Working As Lecturer (L.B.) At Govt. Boys Higher Secondary School Seepat, Block Masturi District Bilaspur, Chhattisgarh.
9. Smt. Rajni Sharma W/o Gunjan Sharma, Aged About 36 Years, Presently Working As Lecturer (L.B.) At Govt. Boys Higher Secondary School Seepat, Block Masturi District Bilaspur, Chhattisgarh.
10. Smt. Shashi Devi Verma W/o Shri Laxmi Narain, Aged About 42 Years, Presently Working As Lecturer (L.B.) At Govt. Boys Higher Secondary School Seepat, Block Masturi District Bilaspur, Chhattisgarh.
11. Smt. Sandhya Yadav W/o Shri Ashok Kumar Yadav, Aged About 46 Years, Presently Working As Lecturer (L.B.) At Govt. Boys Higher Secondary School Seepat, Block Masturi District Bilaspur, Chhattisgarh.
12. Smt. Vijay Laxmi Awasthi W/o Shrikant Awasthi, Aged About 42 Years, Presently Working As Lecturer (L.B.) At Govt. Boys Higher Secondary School Seepat, Block Masturi District Bilaspur, Chhattisgarh.

13. Bhanu Bharti Yadav D/o F. R. Yadav, Aged About 42 Years, Presently Working As Lecturer (L.B.) At Govt. Boys Higher Secondary School Seepat, Block Masturi District Bilaspur, Chhattisgarh.
14. Anita Shukla W/o R. A. Shukla, Aged About 42 Years, Presently Working As Lecturer (L.B.) At Govt. Boys Higher Secondary School Seepat, Block Masturi District Bilaspur, Chhattisgarh.
15. Smt. Richa Tiwari W/o Shri Dilip Tiwari, Aged About 47 Years, Presently Working As Lecturer (L.B.) At Govt. Boys Higher Secondary School Seepat, Block Masturi District Bilaspur, Chhattisgarh.
16. Ku. Aparna Tripathi D/o Vidyashankar Tripathi, Aged About 44 Years, Presently Working As Lecturer (L.B.) At Govt. Higher Secondary School Panchi, Block Masturi District Bilaspur, Chhattisgarh.
17. Smt. Hemlata Verma W/o Shri Purushottam Prasad Verma, Aged About 46 Years, Presently Working As Lecturer (L.B.) At Govt. Higher Secondary School Pandhi, Block Masturi District Bilaspur, Chhattisgarh.
18. Smt. Jaya Bisen W/o Shri Shailesh Singh Bisen, Aged About 48 Years, Presently Working As Lecturer (L.B.) At Govt. Boys Higher Secondary School Pandhi, Block Masturi District Bilaspur, Chhattisgarh.
19. Roma Sarkar D/o Late Niranjan Sarkar, Aged About 45 Years, Presently Working As Lecturer (L.B.) At Govt. Higher Secondary School Panchi, Block Masturi District Bilaspur, Chhattisgarh.
20. Smt. Archana Dewangan W/o Shri Navin Dewangan, Aged About 41 Years, Presently Working As Lecturer (L.B.) At Govt. Higher Secondary School Panchi, Block Masturi District Bilaspur, Chhattisgarh.
21. Suresh Kumar Tiger S/o Shri Sunder Lal Tiger, Aged About 44 Years, Presently Working As Lecturer (L.B.) At Govt. Boys Higher Secondary School Pandhi, Block Masturi District Bilaspur, Chhattisgarh.
22. Hemant Kumar Sharma S/o Late B. P. Sharma, Aged About 41 Years, Presently Working As Lecturer (L.B.) At Govt. Higher Secondary School Pandhi, Block Masturi District Bilaspur, Chhattisgarh.
23. Preeti Pandey D/o Shri Satyadev Pandey, Aged About 38 Years, Presently Working As Lecturer (L.B.) At Govt. Higher Secondary School Pandhi, Block Masturi District Bilaspur, Chhattisgarh.
24. Subhashree Sahoo D/o Nagendra Nath Sahoo, Aged About 37 Years, Presently Working As Lecturer (L.B.) At Govt. Higher Secondary School Pandhi, Block Masturi District Bilaspur, Chhattisgarh.
25. Smt. Teeshoo Shukla W/o Siddharth Shukla, Aged About 38 Years, Presently Working As Lecturer (L.B.) At Govt. Higher Secondary School Pandhi, Block Masturi District Bilaspur, Chhattisgarh.
26. Shobha Soni W/o Rakesh Singh, Aged About 49 Years, Presently Working As Lecturer (L.B.) At Govt. Higher Secondary School Pandhi, Block Masturi District Bilaspur, Chhattisgarh.

27. Poonam Jaiswal D/o R. G. Jaiswal, Aged About 36 Years, Presently Working As Lecturer (L.B.) At Govt. Higher Secondary School Sendri, Block Bilha, District Bilaspur, Chhattisgarh.
28. Smt. Mitali Basu W/o Shri Partho Sarathi Basu, Aged About 48 Years, Presently Working As Teacher (L.B.) At Govt. Middle School Kharkena, Block Bilha District Bilaspur, Chhattisgarh.
29. Smt. Sunita Sahu W/o Shri Lakhan Lal Sahu, Aged About 45 Years, Presently Working As Teacher (L.B.) At Govt. Middle School Kharkena, Block Bilha District Bilaspur, Chhattisgarh.
30. Sunita Devi Shukla W/o Sunil Shukla, Aged About 46 Years, Presently Working As Teacher (L.B.) At Govt. Middle School Kadakoni, Block Takhatpur District Bilaspur, Chhattisgarh.
31. Ku. Lalita Thakur D/o Late Jagdish Singh Thakur, Aged About 39 Years, Presently Working As Lecturer (L.B.) At Govt. High School Urtum, Block Bilha District Bilaspur, Chhattisgarh.
32. Pramod Kumar Sharma S/o Shri Ramgopal Sharma, Aged About 46 Years, Presently Working As Lecturer (L.B.) At Govt. High School Urtum, Block Bilha District Bilaspur, Chhattisgarh.
33. Tarak Nath Banka S/o Govind Chandra Banka, Aged About 42 Years, Presently Working As Lecturer (L.B.) At Govt. High School Urtum, Block Bilha District Bilaspur, Chhattisgarh.
34. Satyam Kumar Ratre S/o Late Chhedi Lal Ratre, Aged About 38 Years, Presently Working As Lecturer (L.B.) At Govt. High School Urtum, Block Bilha, district Bilaspur, Chhattisgarh.
35. Vinod Kumar Sharma S/o Sudarshan Prasad Sharma, Aged About 43 Years, Presently Working As Lecturer (L.B.) At Govt. Girls Higher Secondary School Masturi, Block Masturi District Bilaspur, Chhattisgarh.
36. Govind Prasad Wani S/o Panch Ram Wani, Aged About 48 Years, Presently Working As Lecturer (L.B.) At Govt. Girls Higher Secondary School Masturi, Block Masturi District Bilaspur, Chhattisgarh.
37. Rajnish Kumar Pandey S/o Rampal Pandey, Aged About 39 Years, Presently Working As Lecturer (L.B.) At Govt. Girls Higher Secondary School Masturi, Block Masturi District Bilaspur, Chhattisgarh.
38. Chani Airy D/o Shri H. C. Airy, Aged About 40 Years, Presently Working As Lecturer (L.B.) At Govt. Middle School Pandhi, Block Masturi District Bilaspur, Chhattisgarh.
39. Smt. Savita Singh W/o Dr. Vinod Singh, Aged About 48 Years, Presently Working As Lecturer (L.B.) At Govt. Girls Higher Secondary School Masturi, Block Masturi District Bilaspur, Chhattisgarh.

40. Purnima Singh Gautam D/o Shri S. S. Gautam, Aged About 41 Years, Presently Working As Lecturer (L.B.) At Govt. Girls Higher Secondary School Masturi, Block Masturi District Bilaspur, Chhattisgarh.

---Petitioners

Versus

1. State Of Chhattisgarh, Through The Secretary, Department Of Panchayat And Rural Development, Mantralaya P. S. Rakhi, Tahsil Aarang, Naya Raipur, Chhattisgarh.
2. Secretary, Department Of Education Mantralaya, P. S. Rakhi, Tahsil Aarang Naya Raipur, District Raipur, Chhattisgarh.
3. Chief Executive Officer, Zila Panchayat Bilaspur, District Bilaspur, Chhattisgarh.
4. District Education Officer Bilaspur, District Bilaspur, Chhattisgarh.
5. Block Education Officer Masturi, District Bilaspur, Chhattisgarh.
6. Block Education Officer, Bilha, District Bilaspur, Chhattisgarh.
7. Block Education Officer, Takhatpur, District Bilaspur, Chhattisgarh.

---Respondents

For petitioners	:	Shri C.J.K.Rao, Advocate.
For State	:	Shri P.Acharya, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

19/02/2019

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 is identical and similar to the government teachers and their services has 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 has made representations to the respondents which are collectively marked in the petition as Annexure P-4.

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