

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 1119 of 2019

1. Smt. Shabana Hashmi W/o Riyaz Ali Hashmi Aged About 38 Years Presently Working As Assistant Teacher (L.B.) At Govt. Primary School, Bargaon, Block Dongargaon, District Rajnandgaon Chhattisgarh.
2. Ku. Anju Dewangan D/o Nathu Lal Dewangan Aged About 31 Years Presently Working As Assistant Teacher (L.B.) At Govt. Primary School, Mathaldabri, Block Dongargaon, District Rajnandgaon Chhattisgarh.

---- Petitioners

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Panchayat And Rural Development, Mantralaya Police Station Rakhi, Tahsil Aarang, Naya Raipur, District Raipur Chhattisgarh.
2. Secretary Department Of Education, Mantralaya Police Station Rakhi, Tahsil Aarang, Naya Raipur, District Raipur Chhattisgarh.
3. Chief Executive Officer Zila Panchayat Rajnandgaon, District Rajnandgaon Chhattisgarh.
4. District Education Officer Rajnandgaon, District Rajnandgaon Chhattisgarh.
5. Block Education Officer Dongargaon, District Rajnandgaon Chhattisgarh.

---Respondents

For Petitioners	:	Mr. C. Jayant K. Rao, Advocate
For State	:	Mr. Rahul Mishra, Dy. G.A.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

20/02/2019

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 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