

HIGH COURT OF CHHATTISGARH AT BILASPURWPS No. 1552 of 2019

Smt. Jyoti Chouhan W/o Shri Surendra Kumar Chouhan Aged About 44 Years Working As Lecturer (Sanskrit), Govt. Higher Secondary School, Zone-2, Sector- 11, Khurshipar, Bhilai, District- Durg, Chhattisgarh., District : Durg, Chhattisgarh

---- **Petitioner**

Versus

1. State Of Chhattisgarh Through Secretary, Education Department, Mantralaya, Mahanadi Bhawan, Atal Nagar, Raipur, District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh
2. District Education Officer Through Durg, District- Durg, Chhattisgarh., District : Durg, Chhattisgarh
3. Block Education Officer Through Durg, District- Durg, Chhattisgarh., District : Durg, Chhattisgarh
4. Joint Director, Account,treasury And Pension Through Durg, District- Durg, Chhattisgarh., District : Durg, Chhattisgarh

---- **Respondents**

For Petitioner	:	Shri CJK Rao, Advocate.
For State	:	Shri Sameer Behar, PL

Hon'ble Shri Justice P. Sam Koshy

Order on Board

06/03/2019

1. The relief sought for in the present writ petition was for a direction to the respondents for quashing the recovery proceeding initiated against the petitioner in the light of the circular dated 01.03.1999.
2. So far as the recovery of two advance increments paid to the petitioner on his obtaining B.Ed. Degree after his employment is

concerned, it was initially granted to the petitioner but was subsequently proposed to be recovered.

3. The said issue is now no longer res integra as based upon the judgment of this High Court the leading case of which being WPS No.6927 of 2011, decided on 06.12.2013, wherein it has been held that the persons who have obtained B.Ed. degree on their own cost before and after entry into service are entitled for two annual increments.
4. Given the facts that the issue involved in the present case has already been adjudicated upon, nothing further remains to be adjudicated in the present writ petition. The present petition deserves to be and is hereby allowed in similar terms and it is directed that the petitioner shall be entitled for two annual increments on account of his being passed B.Ed. examination on his own cost after entering into service.
5. The writ petition is accordingly allowed and disposed of. As consequence, any proceeding for recovery initiated against the petitioner for the two increments which has been granted on account of obtaining B.Ed. qualification after employment would stand quashed with the consequences to follow.

Sd/-

(P. Sam Koshy)
JUDGE