

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 1952 of 2019

Jaiprakash Rathiya S/o Shri Rajendra Prasad Aged About 41 Years
Working As Teacher (LB), And Posted At Govt. Middle School
Kandraja, Block Dharamjaigarh, District Raigarh Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through Its Secretary, Department Of Education, Mahanadi Bhawan, Mantralaya New Raipur, District Raipur, Chhattisgarh
2. Director Directorate Public Instruction, Pension Bada Raipur, District Raipur Chhattisgarh.
3. District Education Officer, Raigarh, District Raigarh Chhattisgarh.

---Respondents

For Petitioner	:	Mr. Ajeet Kumar Yadav, Advocate
For State	:	Mr. Arvind Dubey, Panel Lawyer

Hon'ble Shri Justice P. Sam Koshy

Order on Board

19/03/2019

1. The limited prayer which the petitioner 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 petitioner 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 his 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 petitioner.

3. Given the nature of dispute and also the fact that the claim of the petitioner 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 petitioner 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 petitioner is concerned. The Respondents shall be at liberty to take a decision independently.

Sd/-
(P. Sam Koshy)
Judge

Ved