

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 3051 of 2019

1. Dinesh Kumar Jhariya S/o Shri Udan Lal Jhariya Aged About 45 Years Presently Working As Teacher (L.B.) At Govt. Middle School, Patrapali, Block Gharghoda, District Raigarh Chhattisgarh.
2. Nakul Prasad Nishad S/o Shri Durgacharan Nidhsad Aged About 52 Years Presently Working As Teacher (L.B.) At Govt. Middle School, Kurmibhouna, Block Gharghoda District Raigarh Chhattisgarh.
3. Smt. Jayanti Panda W/o Shri Vijay Kumar Panda Aged About 34 Years Presently Working As Teacher (L.B.) At Govt. Primary School, Rodopali, Block Tamnar District Raigarh Chhattisgarh.
4. Keshav Prasad Behra S/o Shri Jashomani Behra Aged About 51 Years Presently Working As Teacher (L.B.) At Govt. Primary School, Sidarpara, Block Gharghoda, District Raigarh Chhattisgarh.
5. Bhanwar Singh Sidar S/o Shri Dharam Singh Sidar Aged About 51 Years Presently Working As Teacher (L.B.) At Govt. Middle School, Chuntiguda, Block Gharghoda District Raigarh Chhattisgarh., District : Raigarh, Chhattisgarh
6. Smt. Priti Singh Thakur W/o Shri Dharmendra Singh Aged About 41 Years Presently Working As Teacher (L.B.) At Govt. Higher Secondary School Chhotegumda, Block Gharghoda, District Raigarh Chhattisgarh., District : Raigarh, Chhattisgarh

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Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Panchayat And Rural Development Of, Mantralaya Police Station Rakhi, Tahsil Aarang, Naya Raipur, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh
2. Secretary Department Of Education Mantralaya Police Station Rakhi, Tahsil Aarang, Naya Raipur Chhattisgarh., District : Raipur, Chhattisgarh
3. District Education Officer Raigarh District Raigarh Chhattisgarh., District : Raigarh, Chhattisgarh
4. Block Education Officer Gharghoda, District Raigarh Chhattisgarh., District : Raigarh, Chhattisgarh
5. Block Education Officer Tamnar, District Raigarh Chhattisgarh., District : Raigarh, Chhattisgarh
6. Principal Govt. Middle School, Patrapali, Block Gharghoda, District Raigarh Chhattisgarh., District : Raigarh, Chhattisgarh
7. Principal Govt. Middle School, Kurmibhouna, Block, Gharghoda, District Raigarh Chhattisgarh., District : Raigarh, Chhattisgarh
8. Principal Govt. Primary School, Rodopali, Block Tamnar, District Raigarh Chhattisgarh., District : Raigarh, Chhattisgarh

9. Principal Govt. Priamary School, Sidarpara, Block Gharghoda District Raigarh Chhattisgarh., District : Raigarh, Chhattisgarh
10. Principal Govt. Middle School, Chuntiguda, Block Gharghoda District Raigarh Chhattisgarh., District : Raigarh, Chhattisgarh
11. Principal Govt. Higher Secondary School, Chhotegumda, Block Gharghoda District Raigarh Chhattisgarh., District : Raigarh, Chhattisgarh

---Respondents

For Petitioners	:	Mr. K.P. Sahu, Advocate
For State	:	Ms. Shriya Mishra, P.L.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

26/04/2019

1. Ignoring the default pointed out by the registry, with the consent of the parties the matter is heard finally and disposed off at the motion stage itself.
2. 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.
3. 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.

4. 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.
5. It appears that the petitioners have till date not made any representation in this regard. Counsel for the petitioners make a prayer that the petitioners may be permitted to make suitable representation within a period of two weeks from today. Prayer is allowed. 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.
6. 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

jjyoti