

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****Writ Petition (S) No. 3856 of 2019**

1. Surendra Kumar Patel S/o Shri K.P. Patel, Aged About 41 Years Presently Posted As Lecturer (L.B.) At Government Higher Secondary School, Lendhra Block Baramkela, District Raigarh Chhattisgarh. R/o - 6/1200, Kelo Vihar Colony, Raigarh District – Raigarh, Chhattisgarh
2. Smt. Pushpa Nishad W/o Shri Satyanand Nishad, Aged About 37 Years, Presently Posted As Lecturer (L.B.) At Government Higher Secondary School, Kotarliya, Block And District Raigarh Chhattisgarh. R/o Village Thengapali, Block Pussore District – Raigarh, Chhattisgarh
3. Satyanand Nisad S/o Shri Gunsagar Nisad, Aged About 45 Years Presently Posted As Lecturer (L.B.) At Government Higher Secondary School, Bhupdevpur, Block Raigarh, District Raigarh Chhattisgarh. R/o Village Thengapali, Block Pussore District - Raigarh Chhattisgarh
4. Sitaram Patel S/o Late Shri A.L. Patel, Aged About 42 Years Presently Posted As Lecturer (L.B.) At Government Higher Secondary School Patrapali (East) Block Raigarh, District Raigarh Chhattisgarh. R/o Village Patrapali (East) Block Raigarh, District - Raigarh Chhattisgarh
5. Saroj Kumar Sahu S/o Shri Tikelal Sahu, Aged About 43 Years Presently Posted As Lecturer (L.B.) At Government Higher Secondary School Lendhra, Block Baramkela District Raigarh Chhattisgarh. R/o Village Lendhra, Block Baramkela District - Raigarh Chhattisgarh
6. Sanjeev Kumar Mahant S/o Shri K.D. Mahant, Aged About 46 Years Presently Posted As Lecturer (L.B.) At Government Higher Secondary School Lendhra, Block Baramkela, District Raigarh

Chhattisgarh. R/o Village Khokhara, Block Pussore District - Raigarh Chhattisgarh

7. Milan Ram Singh Chouhan S/o Shri Fagu Ram, Aged About 50 Years Presently Posted As Lecturer (L.B.) At Government Higher Secondary School Kedar, Block Sarangarh, District Raigarh Chhattisgarh. R/o Village Baramkela, Block Baramkela District - Raigarh Chhattisgarh
8. Chandrashekhar Vaishnava S/o Shri K.D. Vaishnava, Aged About 42 Years, Presently Posted As Lecturer (L.B.) At Government Girls Higher Secondary School, Baramkela Block Baramkela, District Raigarh Chhattisgarh. R/o Village Sariya, Block Baramkela District - Raigarh Chhattisgarh
9. Ganesh Ram Nayak S/o Shri Kanhiya Lal Nayak, Aged About 40 Years Presently Posted As Lecturer (L.B.) At Government Higher Secondary School, Lendhra, Block Baramkela, District Raigarh Chhattisgarh. R/o - Village Bar, Block Baramkela, District - Raigarh Chhattisgarh
10. Kishor Kumar Patel S/o Shri Shiv Prasad Patel, Aged About 44 Years, Presently Posted As Lecturer (L.B.) At Government Higher Secondary School Lendhra, Block Baramkela, District Raigarh Chhattisgarh. R/o - Village Kalakhunta Block Baramkela District - Raigarh Chhattisgarh

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Versus

1. State Of Chhattisgarh Through Its Secretary, Department Of Panchayat And Rural Development, Mantralaya, Mahanadi Bhawan, Naya Raipur, District Raipur, Chhattisgarh
2. Secretary, Department Of School Education, Mantralaya, Mahanadi Bhawan, Naya Raipur, District Raipur Chhattisgarh
3. District Education Officer, Raigarh, District Raigarh, Chhattisgarh
4. Chief Executive Officer, Zila Panchayat Raigarh, District - Raigarh Chhattisgarh

---- Respondents

For Petitioners	:	Ms. Akshara Amit, Advocate
For State	:	Mr. Smir Behar, P.L.

Hon'ble Shri Justice P. Sam Koshy

Order On Board

16/05/2019

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 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. The petitioners in this regard have made representations to the respondents.

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**