

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 4678 of 2019

Upendra Patel S/o Shri Dilamber Parsad Patel, Aged About 47 Years
Working As Lecturer (L B) , And Posted At Government High School
Barhe Hardi, Block Pussore, District Raigarh Chhattisgarh., District :
Raigarh, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Panchayat Mahanadi Bhawan, Atal Nagar, New Raipur District Raipur Chhattisgarh., District : Raipur, Chhattisgarh
2. Secretary, Department Of School Education Mahanadi Bhawan, Atal Nagar, New Raipur District Raipur Chhattisgarh., District : Raipur, Chhattisgarh
3. Chief Exeuctive Officer, Jila Panchayat Raigarh District Raigarh Chhattisgarh., District : Raigarh, Chhattisgarh
4. District Education Officer, Raigarh District Raigarh Chhattisgarh., District : Raigarh, Chhattisgarh
5. The Principle, Government High School Barhe Hardi, Block Pussore, District Raigarh Chhattisgarh., District : Raigarh, Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Dhani Ram Patel, Advocate
For State	:	Mr. Rahul Mishra, Dy. Govt. Advocate

Hon'ble Shri Justice P. Sam Koshy

Order on Board

27/06/2019

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