

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 5620 of 2019**

Rakesh Pandey, S/o. Moti Lal Pandey, Aged About 53 Years, Occupation - Teacher (LB) Govt. Middle School, Old Gourela, District Bilaspur, Chhattisgarh.

---- **Petitioner**

Versus

1. State Of Chhattisgarh, Through the Secretary, School Education Department, Mahanadi Bhawan Mantralaya, Atal Nagar, District Raipur, Chhattisgarh.
2. Director School Education Department, Indirawati Bhawan, Mantralaya, Atal Nagar, District Raipur, Chhattisgarh.
3. The District Education Officer, Bilaspur, District Bilaspur, Chhattisgarh.
4. Block Education Officer, Block Gourela, District Bilaspur, Chhattisgarh.
5. The Principal, Govt. Middle School, Old Gourela, District Bilaspur, Chhattisgarh.

---- **Respondents**

For Petitioner	:	Mr. Aman Kesharwani, Advocate
For State/Respondents	:	Mr. Anshuman Shrivastava, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri**Order On Board**

31.07.2019

Heard

1. Learned counsel for the petitioner submits that the instant petition has been filed on the ground of non-payment of two advance increments even the petitioner is having B.Ed examination certificate at his own cost.
2. Learned counsel appearing for the parties would submit that the issue is covered by the judgment passed by this Court in WPS No.5089 of 2019 on 15.07.2019, which is quoted herein below :

“1. The limited prayer which the petitioners 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 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 him as Shiksha Karmi 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.

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 petitioners 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 petitioners 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.”

3. It is ordered accordingly.

4. In view of the aforesaid observation, it is directed that the respondent No.1 & 2 shall take a decision in this regard for entitlement of the similar benefits as has been granted to the regular government teacher within a period of four months from the date of receipt of a copy of this order. The petitioner shall bring to the notice of the respondents about this order and shall also be at liberty to make a representation, if any.

Sd/-
Goutam Bhaduri
Judge