

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 7126 of 2019

1. Shiv Kumar Markam S/o - Shri Minlal Markam Aged About 44 Years
Presently Posted As Assistant Teacher (LB) Occupation,
Government Primary School, Bagur, Janpad Chhuikhadan, District
Rajnandgaon Chhattisgarh, District : Rajnandgaon, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of School
Education, Mahanadi Bhawan Mantralaya, Atal Nagar Post Office
And Police Station Atal Nagar District Raipur Chhattisgarh, District :
Raipur, Chhattisgarh
2. Director, Directorate Of Public Instructions, Indrawati Bhawan, Atal
Nagar, Post Office And Police Station Atal Nagar, District Raipur
Chhattisgarh, District : Raipur, Chhattisgarh
3. District Education Officer, District Rajnandgaon Chhattisgarh, District
: Rajnandgaon, Chhattisgarh
4. Janpad Panchayat Chhuikhadan, Through Its Chief Executive
Officer, District Rajnandgaon Chhattisgarh

---Respondents

For Petitioner	: Mr. Basant Dewangan, Advocate
For State	: Ms. Abhyunnati Singh, Panel Lawyer

Hon'ble Shri Justice P. Sam Koshy

Order on Board

09.09.2019

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

3. 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.
4. 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 off with a direction to Respondents No. 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.
5. 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 No. 1 & 2 along with any fresh representation, if he so prefers.
6. 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