

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (S) No. 7545 of 2019

Harish Kumar Tiwari S/o Baldau Prasad Tiwari Aged About 37 Years
Presently Working As Assistant Teacher (L.B.) At Government Primary
School, Lakhanpurkala, Block Kawardha, District Kabirdham Chhattisgarh.

---- Petitioner(s)

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Panchayat And Rural Development, 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 District Raipur Chhattisgarh., District : Raipur, Chhattisgarh
3. Chief Executive Officer, Zila Panchayat, Kabirdham, District Kabirdham Chhattisgarh., District : Kawardha (Kabirdham), Chhattisgarh
4. District Education Officer, Kabirdham, District Kabirdham Chhattisgarh., District : Kawardha (Kabirdham), Chhattisgarh
5. Chief Executive Officer, Janpad Panchayat, Kawardha, District Kabirdham Chhattisgarh., District : Kawardha (Kabirdham), Chhattisgarh
6. Block Education Officer, Kawardha, District Kabirdham Chhattisgarh., District : Kawardha (Kabirdham), Chhattisgarh

---Respondents

For Petitioner	:	Shri C Jayant K Rao, Advocate.
For State	:	Shri P. Acharya, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

19.09.2019

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/her 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/her as Shiksha Karmis are identical and similar to the government teachers and his/her 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. 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.
4. 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

inder