

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 8470 of 2019**

1. Sanjay Kumar Gupta, S/o Shri Kashi Prasad Gupta, Aged About 40 Years Working As Lecture (L.B.) And Posted At Govt. High School Sarkhor (Pendra), District Bilaspur Chhattisgarh.
2. Smt. Savita Gupta W/o Sanjay Kumar Gupta Aged About 39 Years Working As Teacher (L.B.) And Posted At Govt. Girls Middle School Bacharwar (Pendra), District Bilaspur Chhattisgarh.
3. Smt. Kunti Otti W/o Pramod Kumar Otti Aged About 39 Years Working As Lecture (L.B.) And Posted At Govt. Higher Secondary School Nawagaon (Pendra), District Bilaspur Chhattisgarh.
4. Mahabir Jagat S/o Gyan Singh Jagat Aged About 45 Years Working As Lecturer (L.B.) And Posted At Govt. High School Sarkhor (Pendra), District Bilaspur Chhattisgarh.
5. Mohan Singh Otti S/o Gyan Singh Otti Aged About 39 Years Working As Lecturer (L.B.) And Posted At Govt. Higher Secondary School Kotmikala(Pendra), District Bilaspur Chhattisgarh.
6. Jaipal Singh Dhurve S/o Ajeet Singh Aged About 32 Years Working As Assistant Teacher (L.B.) And Posted At Govt. Higher Secondary School Bharridand (Marwahi), District Bilaspur Chhattisgarh.
7. Prakash Kumar Prajapati S/o Dukhiram Prajapati Aged About 30 Years Working As Assistant Teacher (L.B.) And Posted At Govt. Higher Secondary School Bharridand (Marwahi), District Bilaspur Chhattisgarh.
8. Raghunandan Das Patre S/o Ram Das Patre Aged About 46 Years Working As Lecturer (L.B.) And Posted At Govt. Higher Secondary School Bharridand (Marwahi), District Bilaspur Chhattisgarh.
9. Samar Singh Kanwar S/o Kodoo Singh Aged About 44 Years Working As Lecturer (L.B.) And Posted At Govt. Higher Secondary School Bharridand (Marwahi), District Bilaspur Chhattisgarh.
10. Budheshwer Prasad Sahu S/o Dhuni Ram Sahu Aged About 35 Years Working As Lecturer (L.B.) And Posted At Govt. Higher Secondary School Bharridand (Marwahi), District Bilaspur Chhattisgarh.
11. Smt. Durgesh Kumari Sahu D/o Shiv Prasad Sahu Aged About 32 Years Working As Assistant Teacher (L.B.) And Posted At Govt. High School Dhobhar (Marwahi), District Bilaspur Chhattisgarh.
12. Awadh Ram Rathour S/o Konda Ram Rathour Aged About 50 Years Working As Teacher (L.B.) And Posted At Govt. Middle School Adbhar (Pendra), District Bilaspur Chhattisgarh.
13. Ram Kumar Rathour S/o Jeewan Lal Rathour Aged About 47 Years Working As Lecturer (L.B.) And Posted At Govt. Girls High School Nawagaon (Pendra), District Bilaspur Chhattisgarh.
14. Prem Singh Armo S/o Heera Lal Armo Aged About 40 Years Working As

Assistant Teacher (L.B.) And Posted At Govt. Primary School Mudhatola Visheshra (Pendra), District Bilaspur Chhattisgarh.

15. Smt. Yashodhara Marko D/o Vishram Aged About 45 Years Assistant Teacher (L.B.) And Posted At Govt. Primary School Chhuhaitola Bhadi (Pendra), District Bilaspur Chhattisgarh.
16. Smt. Vindravati Mashram W/o Ashok Kumar Mashram Aged About 42 Years Working As Assistant Teacher (L.B.) And Posted At Govt. Primary School Jhabar (Pendra), District - Bilaspur Chhattisgarh.
17. Ashok Kumar Mashram S/o Duwal Singh Mashram Aged About 42 Years Working As Assistant Teacher (L.B.) And Posted At Govt. Primary School Sonbacharwar, (Pendra), District Bilaspur Chhattisgarh.
18. Santosh Kumar Paikra S/o Ramesh Singh Paikra Aged About 38 Years Working As Assistant Teacher (L.B.) And Posted At Govt. Primary School Bendarchuva (Pendra), District Bilaspur Chhattisgarh.
19. Ujen Lal Singh Rathour S/o Maniram Rathour Aged About 46 Years Working As Lecturer (L.B.) And Posted At Govt. High School Kudkai , (Pendra), District Bilaspur Chhattisgarh.
20. Deepti Mishra D/o J.G. Tiwari Aged About 47 Years Working As Lecturer (L.B.) And Posted At Govt. High School Kudkai , (Pendra), District Bilaspur Chhattisgarh.
21. Shankar Lal Puri S/o Bechu Lal Puri Aged About 39 Years Working As Lecturer (L.B.) And Posted At Govt. High School Kudkai , (Pendra), District Bilaspur Chhattisgarh.
22. Shiv Prasad Pandro S/o Narayan Singh Pandro Aged About 40 Years Working As Lecturer (L.B.) And Posted At Govt. Primary High School Kudkai , (Pendra), District Bilaspur Chhattisgarh.

---- **Petitioners**

Versus

1. State Of Chhattisgarh Through Secretary, Department Of School Education Mahanadi Bhawan, Mantralaya Atal Nagar New Raipur District - Raipur Chhattisgarh.
2. District Education Officer Bilaspur, District Bilaspur Chhattisgarh.
3. Block Education Officer Pendra, Bilaspur, District Bilaspur Chhattisgarh.
4. Block Education Officer Marwahi, Bilaspur, District Bilaspur Chhattisgarh.
5. Principal Govt. Boys Higher Secondary School Nawagaon (Pendra) Bilaspur Chhattisgarh.
6. Principal Govt. Higher Secondary School Bharridan (Marwahi) Bilaspur Chhattisgarh.
7. Principl Govt. Multipurpose Higher Secondary School Pendra Bilaspur Chhattisgarh.
8. Principal Govt. Girls Higher Secondary School Marwahi. Bilaspur Chhattisgarh.

9. Principal Govt. High Secondary School Kotmikala Pendra District Bilaspur Chhattisgarh.

---- Respondents

For Petitioner : Shri Ajay Shrivastava, Advocate

For Respondents/State : Shri Sudhir Sahu, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

16/10/2019

1. Heard.
2. 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.
3. The claim of the petitioners is based on the fact that the nature of duties discharged by them as Shiksha Karmis are 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.
4. 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 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 any opinion 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/-

Goutam Bhaduri
Judge

Jyoti