

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 10298 of 2019**

Jamuna Prasad Pandey, S/o. Baijnath Pandey, Aged About 62 Years, Retired Headmaster, Resident Of Nehru Ward No. 24, Ambikapur, District Ambikapur Chhattisgarh.

---- **Petitioner**

Versus

1. State Of Chhattisgarh, Through The Secretary, School Education Department, Mahanadi Bhawan, Mantralaya, New Raipur Chhattisgarh.
2. The Director, Directorate Of Public Instructions, Raipur Chhattisgarh.
3. The Accountant General, Government Of Chhattisgarh, Raipur Chhattisgarh.
4. The District Education Officer Ambikapur, District Surguja Chhattisgarh.
5. The Block Education Officer Lahanpur, District Surguja Chhattisgarh.

---- **Respondents**

For Petitioner	:	Mr. K.K.Pandey, Advocate
For State/Respondents No.1, 2, 4 & 5	:	Mr. Kapil Maini, Panel Lawyer
For Respondent No.3	:	Mr. Rajkumar Gupta, Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

06.12.2019

Heard.

1. Learned counsel for the petitioner would submit that the issue involved in the present writ petition has already been considered and decided by this Court in WPS No.4579 of 2018, therefore, the same order may be passed in the present writ petition also.
2. The coordinate Bench of this Court in WPS No.4579 of 2019 on 13.07.2018 has passed the following order:-

“1. 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.

2. 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. The petitioners in this regard have made representations to the respondents which are collectively marked in the petition as Annexure P-4.
3. 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.
4. It is made clear that this Court has not expressed anything 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.”
3. Learned State counsel do not dispute the same.
4. It is ordered accordingly. The ratio laid down in the case supra shall also govern the cause of lis in this case and will have the same effect and operation.
5. With such observation, the writ petition stands disposed of.

Sd/-
Goutam Bhaduri
Judge

Aks