

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 10406 of 2019

1. Gangasagar Kashyap, S/o. Shri Asharam Kashyap, Aged About 31 Years, Working As Assistant Teacher (Nagriya Nikay) And Posted At Government Girls Primary School Kharoud, District Janjgir Champa, Chhattisgarh.
2. Somnath Kashyap, S/o. Shri Kamta Prasad Kashyap, Aged About 31 Years, Working As Assistant Teacher (Nagriya Nikay) And Posted At Government Girls Higher Secondary School Kharoud, District Janjgir Champa, Chhattisgarh.

---- Petitioners

Versus

1. State Of Chhattisgarh, Through Secretary, Department Of Urban Administration Mahanadi Bhawan, Mantralaya Atal Nagar New Raipur, District Raipur, Chhattisgarh.
2. Director, Directorate Of Chhattisgarh, Public Instruction Indravati Bhawan Raipur, District Raipur, Chhattisgarh.
3. Chief Municipal Officer, Nagar Panchayat Kharoud, District Janjgir Champa, Chhattisgarh.

---- Respondents

For Petitioner	:	Mr. Ajay Shrivastava, Advocate
For State	:	Mr. Kapil Maini, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

10.12.2019

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.8516 of 2019, therefore, the same order may be passed in the present writ petition also.
2. This Court in WPS No.8516 of 2019 on 17.10.2019 has passed the following order:-

“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 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 her as Shiksha Karmi are identical and similar to the government teachers and 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 she 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 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