

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WP(S) No.10441 of 2019**

1. Smt. D. Kali Ratnam W/o Shri D. Kondal Rao Aged About 38 Years Lecturer (L.B.), At Government Higher Secondary School Hardikala (Tona), Block Bilha District Bilaspur, R/o Kasipara Torwa, Bilaspur, District : Bilaspur, Chhattisgarh
2. Dharendra Sharma S/o Shri Chandra Pyare Sharma Aged About 44 Years Lecturer (L.B.) At Government Higher Secondary School Hardikala (Tona), Block Bilha District Bilaspur R/o New Sarkanda, Bangalipara, Bilaspur, District : Bilaspur, Chhattisgarh

---- Petitioners**Versus**

1. State Of Chhattisgarh Through Its Secretary, Department Of Panchayat And Rural Development, Mantralaya, Mahanadi Bhawan, Naya Raipur, District : Raipur, Chhattisgarh
2. Secretary Department Of School Education, Mantralaya, Mahanadi Bhawan, Naya Raipur, District : Raipur, Chhattisgarh
3. District Education Officer Bilaspur, District : Bilaspur, Chhattisgarh
4. Chief Executive Officer Zila Panchayat Bilaspur, District : Bilaspur, Chhattisgarh

----Respondents

For Petitioners	:	Ms. Divya Sharma, Advocate
For State	:	Ms. Akanksha Jain, Dy. G.A.

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****11/12/2019**

Heard.

1. Learned counsel for the petitioners 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. This Court in WPS No.4579 of 2018 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 are 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.

3. Learned State counsel do not dispute the fact brought to the notice of the Court by 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 re[presentation 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 has no objection.
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