

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 69 of 2020

Krishna Kumar Indurkar S/o Nandlal Indurkar Aged About 54 Years Posted as Head Master R/o Ambedkar Ward No. 9, Dongargarh District - Rajnandgaon Chhattisgarh. **--- Petitioner**

Versus

1. State of Chhattisgarh through the Secretary, School Education Department, Mantralaya, Mahanadi Bhawan Naya Raipur, District - Raipur Chhattisgarh.,
2. Director, Public Instruction of Education Near Education Board Office Raipur, District - Raipur Chhattisgarh.
3. The Secretary, Finance Department, Mantralaya, Mahanadi Bhawan Naya Raipur, District Raipur Chhattisgarh.
4. Joint Director, Education Division, Durg In Front Of Zila Panchayat, G. E. Road, Durg, District - Durg Chhattisgarh.
5. Joint Director, Treasury Account And Pension, Rajnandgaon District - Rajnandgaon Chhattisgarh.
6. District Education Officer Rajnandgaon, District - Rajnandgaon Chhattisgarh.
7. Block Education Officer Rajnandgaon, District - Rajnandgaon Chhattisgarh., **--- Respondents**

For Petitioner : Mr. Pawan Kesharwani, Advocate
 For the State/Respondents : Mr. Kunal Das, Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

16.1.2020

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 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 petitioner 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 petitioner.

3. Learned counsel for the petitioner placed reliance on a decision of this Court rendered in ***Kunwar Kant Dewangan Vs. State of Chhattisgarh*** (WPS No.6927 of 2011 decided on 06.12.2013) which has been affirmed by the Division Bench in W.A. No. 105 of 2014 (***State of Chhattisgarh and others Vs. Dharam Pal Tiwari***) and would submit that the petitioner who has acquired certificate of D.Ed., after 01.03.1999 is entitled for the benefit of two advance increments. Learned counsel further submits that the petitioner has made representation to the D.E.O., Rajnandgaon vide Annexure P-7 dated 23.11.2019 which is pending consideration.
4. 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 the ends of justice would meet if the petition is disposed of with a direction to respondents to take a decision in this regard as to whether the petitioner would also be entitled for a similar benefit 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 along with any fresh representation, if she so prefers.
5. 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/-

**(GOUTAM BHADURI)
JUDGE**