

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 6323 of 2017

Shiv Kumar Sharma S/o Late Ramlal Sharma, Aged About 58 Years
Posted As Head Master, R/o Village Tumdi board, District
Rajnandgaon, Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, School Education Department, Mantralaya, Mahanadi Bhawan, Naya Raipur, District Raipur, Chhattisgarh.
2. District Public Instructions Raipur, District Raipur, Chhattisgarh.
3. District Education Officer, Rajnandgaon, District Rajnandgaon, Chhattisgarh.
4. Joint Director, Accounts, Treasury And Pension, Raipur, District Raipur

---Respondents

For petitioner – Shri Vaibhav A. Goverdhan, Advocate.
For State- Shri Kapil Maini, PL.

Hon'ble Shri Justice Goutam Bhaduri

Order

06/02/2020

Heard.

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 his 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 him as Assistant Teacher is 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.

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 he 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