

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 1095 of 2020**

- Smt. Sewati Bai W/o Shri Sukund Nag, Aged About 62 Years Working As Headmistress, Govt. Primary School, Bartoli, Block Kunkuri, District Jashpur Chhattisgarh. **---- Petitioner**

Versus

1. State Of Chhattisgarh Through The Secretary, School Education Department, Mahanadi Bhawan, Mantralaya, Atal Nagar, Nawa Raipur Chhattisgarh
2. The District Education Officer, Jashpur, District Jashpur Chhattisgarh
3. The Block Education Officer, Kunkuri, District Jashpur Chhattisgarh
4. The Joint Director, Accounts, Treasury And Pension, Ambikapur, District Surguja Chhattisgarh **---- Respondents**

For Petitioner : Mr. J.K. Saxena, Advocate

For Respondents/State : Mr. Avinash Singh, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****19.02.2020**

Heard.

1. Learned counsel for the petitioner contends that the petitioner was appointed as Teacher in the year 1977. He passed BTI course in the year 1978 and as per the circular of the State dated 06.02.2007 the person who have passed the B.Ed/ BTI in between the period 23.10.1964 to 01.03.1999 they would be granted two increment in the salary from the date of their passing of the respective examination.
2. Learned counsel for the petitioner would further 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.
3. 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.”
4. Learned State counsel do not dispute the same.
5. Considering the fact, if the petitioner is entitled for two increment on the ground that he has passed BTI course in the year 1978, the same may be considered in terms of the ratio laid down in the Para 3 of the judgment passed in WPS No. 4579 of 2019 as quoted above. 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.
6. With such observation, the writ petition stands disposed of.

Sd/-
Goutam Bhaduri
Judge