

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 2150 of 2012**

Bali Ram Chaurasia S/o Shri Chaitu Ram, Head Master, Government Girls Middle School, Surangpani, Block Pathalgaon, District Jashpur (CG)

---- Petitioner

Versus

1. State of Chhattisgarh through Secretary, Tribal Welfare Department, DKS Bhavan, Raipur (CG)
2. Commissioner, Tribal Development, Raipur (CG)
3. Assistant Commissioner, Tribal Development, Jashpur, District Jashpur (CG)
4. Block Education Officer, Pathalgaon, District Jashpur (CG)

---- Respondents

For Petitioner	:	Mr. Majoj Kumar Sinha, Advocate
For State	:	Mr. P. Acharya, P.L.

Hon'ble Shri Justice P. Sam Koshy**Order On Board****07.02.2020**

1. The petitioner through the present writ petition has challenged Annexure P-1 dated 15.02.2012 whereby the respondents have rejected the claim of the petitioner for grant of 2 advance increments on the petitioner's having qualification of B.Ed. prior to his entering into service.
2. During the course of hearing it has been found that the Hon'ble Supreme Court in the case of Asha Saxena Vs. State of M.P. & Ors.¹ has already dealt with the said issue while allowing the claim of the employee therein so far as the granting of two advance increments for having qualification

¹ 2009 (III) MPJR (SC) 59

of B.Ed. prior to entering into service is concerned. Based upon the judgment of Asha Saxena (supra) this High Court has also disposed of a series of writ petitions directing the State authorities to consider the case of the respective petitioners in the light of the judgment passed by the Hon'ble Supreme Court in the case of Asha Saxena (supra).

3. The undisputed facts in the instant case are that the petitioner herein was appointed as an Assistant Teacher way back in the year 1980 and before entering into service the petitioner had obtained the degree in B.Ed. course in the year 1978. Initially the respondents had granted the advantage of 2 advance increments to the petitioner but subsequently the same has been withdrawn.
4. Given the aforesaid factual matrix of the case, this Court is of the opinion that the instant case also is a fit case which needs reconsideration in the light of the judgment rendered by the Supreme Court in the case of Asha Saxena (supra) and also the host of writ petitions which have been disposed of by this Court in similar matters.
5. Accordingly, the respondents are directed to reconsider the case of the petitioner for grant of two advance increments from the date it has been stopped by the respondents, in the light of the judgment rendered by the Supreme Court in the case of Asha Saxena (supra).
6. Let a decision be taken at the earliest preferably within a period of 3 months from the date of receipt of copy of this order. It shall be the responsibility of the petitioner to apprise the respondents so far as the order passed by this Court is concerned.

**Sd/-
P. Sam Koshy
Judge**