

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 3167 of 2020**

1. Pankaj Kumar Dubey S/o Shri Mukut Lal Dubey, Aged About 48 Years Working As Head Master, At- Primary School, Madhubankala, Block Bilaigarh, District Baloda Bazar Bhatapara Chhattisgarh
2. Vidya Bhushan Banswar, S/o Shri Arjun Lal Banswar, Aged About 47 Years Working As Head Master, At Primary School, Navapara, Block Bilaigarh, District Baloda Bazar Bhatapara Chhattisgarh
3. Brijbhan Singh Jagat, S/o Shri Mehar Singh Jagat, Aged About 44 Years Working As Head Master, At Govt. Primary School, Khairjithi, Block Bilaigarh, District Baloda Bazar Bhatapara Chhattisgarh,
4. Satyendra Singh Thakur, S/o Shri Hira Singh, Aged About 43 Years Working As Head Master, At- Govt. Primary School, Ambedkar Nagar, Pendrawan, Block Bilaigarh, District Baloda Bazar Bhatapara Chhattisgarh
5. Badrinath Jangde, S/o Shri Hasat Ram Jangde, Aged About 47 Years Working As Head Master, At- Govt. Primary School, Mudpar, Block Bilaigarh, District Baloda Bazar Bhatapara Chhattisgarh,
6. Chhotu Lal Bhoi, S/o Shri Phool Say Bhoi, Aged About 46 Years Working As Head Master, At- Govt. Primary School, Rankot, Block Bilaigarh, District Baloda Bazar Bhatapara Chhattisgarh.
7. Jyoti Kispotta, D/o Shri Luis Luiya Kispotta, Aged About 48 Years Working As Head Master, At- Govt. Primary School, Mandalpur Block Bilaigarh, District Baloda Bazar Bhatapara Chhattisgarh.
8. Meena Netam, W/o Shri Narottam Singh Netam, Aged About 40 Years Working As Head Master, At- Govt. Primary School, Tilaipali, Block Bilaigarh, District Baloda Bazar Bhatapara Chhattisgarh,
9. Karuna Sonkar, W/o Shri Dilip Kumar Sonkar, Aged About 42 Years Working As Head Master, At- Govt. Primary School, Indira Nagar, Sarsiwa, Block Bilaigarh, District Baloda Bazar Bhatapara Chhattisgarh
10. Bharti Nagarchi, W/o Shri Ravi Kumar Nagarchi, Aged About 47 Years Working As Head Master, At- Govt. Primary School, Taulidih, Block Bilaigarh, District Baloda Bazar Bhatapara Chhattisgarh,
11. Chetan Singh Dhruw, S/o Shri Ram Say Dhruw, Aged About 45 Years Working As Head Master, At- Govt. Primary School, Charbhata, Block Bilaigarh, District Baloda Bazar Bhatapara Chhattisgarh,
12. Bihari Lal Jangde, S/o Shri Sunder Lal Jangde, Aged About 45 Years Working As Head Master, At- Primary School, Bhinoda, Block Bilaigarh, District Baloda Bazar Bhatapara Chhattisgarh,

13. Chait Ram Anant, S/o Mohana Anant, Aged About 46 Years Working As Head Master, At- Primary School, S.C. Muhalla Madhai Bhata, Block Bilaigarh, District Baloda Bazar Bhatapara Chhattisgarh.,
14. Sunita Dubey, W/o Sanjay Dubey, Aged About 46 Years Working As Head Master, At- Govt. Primary School, Bhatgaon, Block Bilaigarh, District Baloda Bazar Bhatapara Chhattisgarh
15. Tulawati Jagat, S/o Shri Brijbhushan Singh Jagat Aged About 42 Years Working As Head Master, At Govt. Primary School, Dhaurabhata, Block Bilaigarh, District Baloda Bazar Bhatapara Chhattisgarh
16. Ranjana Chaturvedi, W/o Shri Rajendra Chaturvedi, Aged About 46 Years Working As Head Master, At- Govt. Primary School, Bhata Sajapali, Block Bilaigarh, District Baloda Bazar Bhatapara Chhattisgarh.
17. Chandrawati Dibya D/o Shri Chatur Das Dibya Aged About 46 Years Working As Head Master, At Govt. Primary School, Uslapur Block Bilaigarh, District Baloda Bazar Bhatapara Chhattisgarh
18. Kripa Ram Sidar, S/o Shri Sant Ram Sidar, Aged About 42 Years Working As Head Master, At- Govt. Primary School, Boda Block Bilaigarh, District Baloda Bazar Bhatapara Chhattisgarh
19. Lochan Prasad Dewangan, S/o Shri Sudarshan Dewangan, Aged About 46 Years Working As Head Master, At Govt. Primary School, Gopalpur, Block Bilaigarh, District Baloda Bazar Bhatapara Chhattisgarh
20. Ude Ram Diwan, S/o Shri Anand Ram Diwan, Aged About 55 Years Working As Head Master, At- Govt. Primary School, Tikaripara, Block Bilaigarh, District Baloda Bazar Bhatapara Chhattisgarh
21. Samar Singh Jagat, S/o Shri Budheshwar Singh, Aged About 43 Years Working As Head Master, At- Govt. Primary School, Amakachhar, Block Bilaigarh, District Baloda Bazar Bhatapara Chhattisgarh.
22. Mahendra Kumar Maravi, S/o Shri Parmeshwar Singh, Aged About 43 Years Working As Head Master, At- Govt. Primary School, Chhuiha, Block Bilaigarh, District Baloda Bazar Bhatapara Chhattisgarh
23. Rajesh Kumar Paikara, S/o Shri Darash Ram Paikara, Aged About 45 Years Working As Head Master, At- Govt. Primary School, Pachpedi Block Bilaigarh, District Baloda Bazar Bhatapara Chhattisgarh
24. Narendra Kumar Sahu, S/o Shri Ant Ram Sahu, Aged About 47 Years Working As Head Master, At- Govt. Primary School, Tendumudi, Block Bilaigarh, District Baloda Bazar Bhatapara Chhattisgarh.

25. Pitambar Fekar, S/o Shri Chowa Ram Fekar, Aged About 47 Years Working As Head Master, At- Govt. Primary School, Khajari, Block Bilaigarh, District Baloda Bazar Bhatapara Chhattisgarh
26. Anant Singh Paikara, S/o Shri Nanki Ram Paikara, Aged About 47 Years Working As Head Master, At- Govt. Primary School, Khajari, Block Bilaigarh, District Baloda Bazar Bhatapara Chhattisgarh.
27. Devika Rani, W/o Shri Om Prakash Sahu, Aged About 46 Years Working As Head Master, At- Govt. Primary School, Bisanpur, Block Bilaigarh, District Baloda Bazar Bhatapara Chhattisgarh.
28. Vimala Dewangan, W/o Shri Shyam Saroj Dewangan, Aged About 43 Years Working As Head Master, At Govt. Primary School, Balak Shala, Bisanpur, Block Bilaigarh, District Baloda Bazar Bhatapara Chhattisgarh
29. Virendra Kesharwani, S/o Shri Dashrath Lal Kesharwani, Aged About 48 Years Working As Head Master, At- Govt. Primary School, Muchchhmalda, Block Bilaigarh, District Baloda Bazar Bhatapara Chhattisgarh
30. Parmeshwar Prasad Rajesh, S/o Shri Shankardayal Rajesh, Aged About 43 Years Working As Head Master, At- Govt. Primary School, Parsabhatha, Block Bilaigarh, District Baloda Bazar Bhatapara Chhattisgarh.
31. Dev Nath Nagwanshi, S/o Shri Amaru Ram Nagwanshi, Aged About 45 Years Working As Head Master, At- Govt. Primary School, Narband, Block Bilaigarh, District Baloda Bazar Bhatapara Chhattisgarh

---- **Petitioners**

Versus

1. State Of Chhattisgarh Through Its Secretary, Department Of School Education, Mantralay, Mahanadi Bhawan, Atal Nagar, Nawa Raipur, Raipur,
2. The Director, Public Instructions, Chhattisgarh, Indrawati Bhawan, Mahanadi Bhawan, Atal Nagar, Nawa Raipur, Raipur Chhattisgarh,
3. District Education Officer, Education District Baloda Bazar District Baloda Bazar Bhatapara Chhattisgarh,
4. Block Education Officer, Block Bilaigarh, District Baloda Bazar Bhatapara Chhattisgarh.,

---- **Respondents**

For Petitioners	:	Mr. Rajesh Kumar Kesharwani, Advocate
For Respondent/ State	:	Mr. Amrito Das, Addl. A.G.

Hon'ble Shri Justice Goutam Bhaduri**ORDER****17.08.2020**

Heard.

1. Learned counsel for the petitioners contends that the petitioners were appointed as Head Master in the year 2010 and as per the government circular dated 25.03.2017 & 27.09.2017 (Annexure P-3) and 05.01.2011 (Annexure P-4), since the petitioners have completed their B.Ed/D.Ed/B.T.I. degree before joining at their own expenses, therefore they were given two advance increment. Subsequently, by a general order dated 12.06.2020 (Annexure P-2) without examining the entitlement of the petitioners to receive the advance increment, an omnibus order have been passed for recovery by order dated 01.07.2020.
2. Learned counsel further submits that the petitioners are entitled for two advance increments as they have completed their B.Ed./D.Ed/B.T.I. degree before joining their service at their own expenses. Learned counsel further submits that before such recovery orders have been passed no show cause notice has been given to the petitioners. He further submits that the issue has been already decided by this High Court and the entitlement of petitioners is no more an issue to be adjudicated.
3. Learned State counsel opposes the argument.
4. Perusal of the order dated 01.07.2020 (Annexure P-2) would show that recovery orders have been issued and the list of teachers have been

named. Prima facie it shows that no notice was given to justify the entitlement of the petitioners. Since no opportunity of hearing was given to the petitioners and the order of recovery has already been made, it do not satisfy the doctrine of *audi alteram partem* and necessarily the recovery would have a civil consequence. In a result, the order dated 01.07.2020 as against the petitioners is quashed. However, the State shall be at liberty to serve the petitioners a show cause and after giving them proper opportunity of hearing, appropriate orders may be passed.

5. In view of the above, the petition stands finally disposed off.

Sd/-

Goutam Bhaduri
Judge