

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****WA No. 150 of 2021**

*(Arising out of the order dated 16.8.2019 passed in WP(S) No.6140/2019
by a Single Bench of this Court)*

1. State Of Chhattisgarh Through Secretary, Education Department, Mantralaya, Mahanadi Bhawan, Atal Nagar, Raipur, District- Raipur, Chhattisgarh
2. District Education Officer Rajnandgaon, District- Rajnandgaon, Chhattisgarh.
3. Block Education Officer Rajnandgaon, District- Rajnandgaon, Chhattisgarh.
4. Principal Government M.L.B. Girls Higher Secondary School Rajnandgaon, Block- Rajnandgaon, District- Rajnandgaon, Chhattisgarh.
5. Joint Director Accounts, Treasury And Pension, Durg, District Durg Chhattisgarh.

---- Petitioner**Versus**

- Lekhram Matra S/o Late Makhan Lal Matra Aged About 46 Years Working As Lecturer, Government M.L.B. Girls Higher Secondary School, Rajnandgaon, Block Rajnandgaon, District- Rajnandgaon, Chhattisgarh

---- Respondent

For Petitioners

Mr. Vikram Sharma, Dy. GA

**DB.: Hon'ble Mr. Prashant Kumar Mishra, Ag. C.J.
Hon'ble Mr. Justice N.K. Chandravanshi**

Judgment On Board by Prashant Kumar Mishra, Ag. C.J.

9/9/2021

1. Heard.
2. The State has preferred this intra Court appeal challenging the order passed by the learned Single Judge quashing the recovery proceedings against the respondent of the amount, which has been paid to him as two advance increments on account of obtaining D.Ed. qualification after employment.
3. The issue which was in the root of the matter was whether the respondent was entitled to two advanced increments as he had acquired the said qualification after joining his services.
4. The State directed for recovery of the amount of two advance increments paid to the respondent on the ground that since he has obtained D.Ed degree after his employment, he was not entitled for two advance increments, therefore, the same having wrongly been paid to him, it is recovered from him.
5. Having heard learned counsel for the State for sometime, it appears, the learned Single Judge has passed the impugned order by placing reliance on the order passed by the Single Bench of this Court in batch of writ petitions leading case being WPS No.6927/2011 decided on 6.12.2013. Copy of this order was placed before the learned Single Judge as Annexure P/6.
6. In the course of hearing, learned State Counsel fairly submitted that the order passed by this Court in WPS No.6927/2011 is affirmed by the Division Bench in WA No.105/2014 and other

connected appeals vide order dated 4.4.2014.

7. Having perused the order passed in WPS No.6927/2011 and other connected petitions and the appellate order passed in WA No.105/2014 and other connected appeals, we are of the considered view that the learned Single Judge has passed the impugned order by applying the legal position, which has been settled by this Court in respect of grant of two advance increments to the teachers, who are similarly placed.
8. There is no substance in the writ appeal, which fails and is hereby dismissed.

Sd/-

(Prashant Kumar Mishra)
Acting Chief Justice

Sd/-

(N.K. Chandravanshi)
Judge