

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (S) No. 2669 of 2021

1. Kriparam Patel S/o Shri Duryodhan Patel Aged About 50 Years Lecturer LB (Geography), Govt. Higher Secondary School, Tousir, Block - Baramkela, Distt. Raigarh, Civil And Revenue Distt. Raigarh (Chhattisgarh).

---Petitioner(s)

Versus

1. State of Chhattisgarh Through Secretary, Panchayat And Rural Development Department, Mahanadi Bhavan, New Raipur (Chhattisgarh)
2. The Director Public Instruction, Directorate, Indrawati Bhavan, New Raipur (Chhattisgarh)
3. The District Education Officer Raigarh, Distt. Raigarh (Chhattisgarh)
4. The Chief Executive Officer Zila Panchayat, Raigarh, Distt. Raigarh (Chhattisgarh)
5. The Block Education Officer Block Baramkela, Distt. Raigarh (Chhattisgarh)

---Respondents

For Petitioner	:	Shri Manoj Kumar Sinha, Advocate.
For State	:	Shri Kunal Das, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

22.07.2021

1. Ignoring the defaults the matter is taken up for hearing finally with the consent of the parties.
2. By this petition, the petitioner seeks a direction to the respondents to pay two advance increments on obtaining Ph.D degree on his own cost, after seeking permission from the department.
3. Learned counsel for the petitioner submits that the issue involved in the present case is no longer res integra as the same has been considered and decided by the Supreme Court in the case of Asha Saxena v. State of M.P. & Ors, 2009 (III) MPJR (SC) 59 as well as by this Court in Yashwant Kumar Bharadwaj v. Municipal Corporation, Durg and Anr., 2006 (II) MPJR

– CG 96 and Gopesh Kumar Verma v. The State Government of Chhattisgarh and Another in WPS No.4310/2005.

4. Learned counsel further submits that the instant petition is squarely covered by the decision as aforestated. Thus, the petitioner may be permitted to make a representation to the respondents to decide his case for grant of two increments in the light of aforestated decisions, subject to verification of the facts as to whether the petitioner has obtained Ph.D degree on his own expenses after entering into service.
5. Learned State counsel submits that in the event, the petitioner makes representation, the same will be considered and decided, in accordance with law in the light of decisions of the Supreme Court in Asha Saxena (supra) as well as this Court in Yashwant Kumar Bharadwaj (supra) and Gopesh Kumar Verma (supra), within a period of four weeks from the date of receipt of the representation.
6. In view of foregoing, according to the learned counsel appearing for the petitioner, nothing survives in this petition for adjudication.
7. Accordingly, the writ petition is disposed off.

Sd/-
(P. Sam Koshy)
Judge