

HIGH COURT OF CHHATTISGARH AT BILASPUR**Writ Petition (S) No. 5775 of 2014**

Nasir Ahmad Iraki S/o Lt Shri Ali Ahmad, Aged About 43 Years, Posted As Assistant Clerk, State Education Investigation And Training Council, Shankar Nagar, Raipur, Ps Shankar Nagar, Dist Raipur, Chhattisgarh.

----- Petitioner

Versus

- 1.State Of Chhattisgarh And Anr. S/o Through The Secretary, School Education Department, Mahanadi Bhawan, Mantralaya, New Raipur, Dist Raipur, Chhattisgarh
- 2.The District Education Officer, Raipur, Dist Raipur, Chhattisgarh.

----- Respondents

Writ Petition (S) No. 5777 of 2014

Arun Kumar Singh S/o Durpad Singh Kachhwaha Aged About 42 Years R/o Diet Colony Pendra P.S. Pendra Distt. Bilaspur, Chhattisgarh.

----- Petitioner

Versus

- 1.State Of Chhattisgarh And Anr. S/o Through The Secretary, School. Education Department Mahanadi Bhawan, New Raipur, Chhattisgarh.
- 2.District Education Officer, Bilaspur Distt. Bilaspur, Chhattisgarh.

----- Respondents

Writ Petition (S) No. 5778 of 2014

Prakash Kumar Jaiswal S/o Late Tulsi Prasad Jaiswal Aged About 44 Years R/o Village Bisheshara, Post Kudri, P.S. Pendra Distt. Bilaspur, Chhattisgarh.

----- Petitioner

Versus

1. State Of Chhattisgarh And Anr. S/o Through The Secretary, School. Education Department Mahanadi Bhawan, New Raipur, Chhattisgarh.
2. District Education Officer, Bilaspur Distt. Bilaspur C.G., Chhattisgarh.

----- Respondents**Writ Petition (S) No. 5779 of 2014**

Dilip Kumar Rai S/o Late Shri J.P. Rai Aged About 44 Years R/o Integrated Tribal Development Project, Gourela Pendra P.S. Gourela Distt. Bilaspur, Chhattisgarh.

----- Petitioner**Versus**

1. State Of Chhattisgarh And Anr. S/o Through The Secretary, School. Education Department Mahanadi Bhawan, New Raipur, Chhattisgarh.
2. District Education Officer, Bilaspur Distt. Bilaspur, Chhattisgarh.

----- Respondents**Writ Petition (S) No. 5780 of 2014**

Neel Bahadur Kashipuri S/o Late Shri Shivnarayan Kashipuri Aged About 42 Years R/o District Education And Training Institute Pendra P.S. Pendra Distt. Bilaspur, Chhattisgarh.

----- Petitioner**Versus**

1. State Of Chhattisgarh And Anr. S/o Through The Secretary, School. Education Department Mahanadi Bhawan, New Raipur, Chhattisgarh.
2. District Education Officer, Bilaspur Distt. Bilaspur, Chhattisgarh.

----- Respondents

Writ Petition (S) No. 5781 of 2014

Anand Kumar Shriwas S/o Late Shri Ramkishan Shriwas
Aged About 36 Years R/o Office Of District Training
Institute Pendra P.S. Pendra Distt. Bilaspur,
Chhattisgarh.

----- **Petitioner**

Versus

1. State Of Chhattisgarh And Anr. S/o Through The
Secretary, School Education Department Mahanadi
Bhawan, New Raipur, Chhattisgarh.
2. District Education Officer, Bilaspur Distt. Bilaspur,
Chhattisgarh.

----- **Respondents**

Writ Petition (S) No. 5782 of 2014

Siddharth Kumar Gupta S/o Lt Shri Brijesh Kumar Gupta
Aged About 37 Years R/o District Education And
Training, Institute, Pendra, Ps Pendra, Distt
Bilaspur, Chhattisgarh.

----- **Petitioner**

Versus

1. State Of Chhattisgarh And Anr. S/o Through The
Secretary, School Education Department, Mahanadi
Bhawan, Mantralaya, New Raipur, Dist Raipur,
Chhattisgarh.
2. The District Education Officer, Raipur, Dist Raipur,
Chhattisgarh.

----- **Respondents**

Writ Petition (S) No. 5783 of 2014

Shankar Lal Yadav S/o Late Shri Girdhari Lal Yadav Aged
About 46 Years R/o Village Behind Veterinary Hospital
Pendra Post Office And P.S. Pendra Distt. Bilaspur,
Chhattisgarh.

----- **Petitioner**

Versus

- 1.State Of Chhattisgarh And Anr. S/o Through The Secretary, School. Education Department Mahanadi Bhawan, New Raipur, Chhattisgarh.
- 2.District Education Officer, Bilaspur Distt. Bilaspur, Chhattisgarh.

--- Respondents

For Petitioners	:-	Mr. Prateek Sharma, Advocate
For State	:-	Mr. Animesh Tiwari, Dy. A.G.

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board (Through Video Conferencing)

14/07/2021

- 1.Since common question of fact and law is involved in all these writ petitions, they have been heard together and are being decided by this common order.
- 2.The petitioners were appointed on the post of 'Assistant Grade – III' in the respondent Department on compassionate ground. In their order of appointment, it has clearly been incorporated that the petitioners would have to pass the Hindi Typing examination or attain the age of 40 years which will make them entitled for annual increment and their services will be regularized.
- 3.It is the case of the petitioners that some of them have passed the Hindi Typing examination and

some have attained the age of 40 years and they have been granted annual increment and other benefits after completion of one year from the date of passing the Hindi Typing examination, which ought to have been granted to them from the date of their appointment. The petitioners have also made representations to the competent authority in this regard but they have not been considered and decided.

4. Respondents/State have filed their return and stated that in accordance with the conditions stipulated in the order of appointment, the petitioners were to be given the benefit of annual increment and other benefits prescribed therein after one year from the date of passing the Hindi Typing examination, which they have already been given.

5. Mr. Prateek Sharma, learned counsel for the petitioners, would submit that once the petitioners have passed the Hindi Typing examination in compliance of the conditions incorporated in their order of appointment, they will be entitled for grant of annual increment and regular pay-scale from the date of their initial appointment which dates back to 1994-1999 in all the writ petitions. He would rely upon the

decision of the State Administrative Tribunal in the matter of Malaydeen Verma and Others v. State of M.P.¹ and the decision rendered by this Court in Smt. Kausalya Khusro v. State of Chhattisgarh and Others².

6. Mr. Animesh Tiwari, learned Deputy Advocate General for respondents/State, would submit that in the matter of Kausalya Khusro (supra), the point involved was somewhat different than the one involved herein which is whether the petitioners are entitled for benefit of annual increment after passing the Hindi Typing examination from the date of their initiation appointment. Therefore, that decision is distinguishable from the facts of the present case and the petitioners in this batch of writ petitions are only entitled for annual increment after lapse of one year from the date of passing the Hindi Typing examination which has already been given to them.

7. I have heard learned counsel for the parties at length.

8. Since petitioners have already made representations claiming annual increment from the date of their initial appointment as some of them have already passed the Hindi Typing examination

1 1991 MPST 379

2 WPS No. 02 of 2010 decided on 24/02/2011

and some of them have attained the age of 40 years and the question as to whether they are entitled for annual increment from the date of appointment or after one year from the date of passing the examination has not been considered by the State Government/competent authority, therefore, the State Government/competent authority is directed to consider the representations of the petitioners in accordance with law/applicable rules, regulations, circulars and judgments within 60 days from the date of receipt of copy of this order by passing a reasoned and speaking order. Petitioners are at liberty to file relevant applicable circulars/judgments along with the representation to demonstrate their case which will be considered by the State Government/competent authority strictly in accordance with law.

9. With the aforesaid direction, these writ petitions stand disposed of. No cost(s).

Sd/-
(Sanjay K. Agrawal)
Judge

Harneet