

HIGH COURT OF CHHATTISGARH AT BILASPUR
WRIT PETITION (SERVICE) NO. 4329 OF 2020

Krishna Kumar Sahu, S/o Late Vishram Sahu, aged about 60 years, presently working on the post of In-Charge Principal at Govt. High School, Badelakhapal, Block Katekalyan, District South Bastar Dantewada (CG) ... **Petitioner**

versus

1. State of Chhattisgarh, through the Secretary, Department of School Education, Mahanadi Bhawan, New Raipur, District Raipur (CG)
2. The Secretary, Department of Tribal Development, Mahanadi Bhawan, New Raipur, District Raipur (CG)
3. The District Education Officer, District South Bastar Dantewada (CG)
4. Block Officer, Katekalyan, Block Katekalyan, District South Bastar Dantewada (CG) ... **Respondents**

For Petitioner	:	Mr. A.N. Pandey, Advocate.
For Respondents/State	:	Mr. Vikash Shrivastava, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

20/01/2021

1. Learned Counsel for Petitioner submits that the Petitioner is entitled for the benefit of two advance increments on account of he having passed B.Ed/BTI/D.Ed. examination before appointment at his own cost. Learned Counsel further submits that the issue involved in the present Writ Petition is no longer *res integra* and the same has been finally decided by the Hon'ble Supreme Court in the case of **Asha Saxena Vs. State of M.P. & Others, 2009 (III) MPJR (SC) 59**.

2. Learned Counsel for Petitioner also submits that this Court has also taken a similar view in its order dated 6.2.2009 passed in WPS No.6257/2008. He draws the attention of this Court to the order dated 29.4.2010 passed in WA No. 124/2009 wherein relying upon the judgment of the Supreme Court in the case of *Asha Saxena (supra)* and the order passed by this Court in another WA No. 87/2009, directions have been issued for consideration of the case for grant of two advance increments as per circular dated 21.9.1974 issued by the State of M.P. after verification of the facts pleaded in the petition.

3. Learned State Counsel submits that for employees belonging to the Tribal Welfare Department, separate instructions have been issued and the case of the Petitioner shall be dealt with on the basis of instructions/circulars applicable to the Tribal Welfare Department.

4. In view of the statement made above, the present Writ Petition is disposed of with a direction to the respondent authorities to consider and decide the claim of the Petitioner for grant of two advance increments in view of the law laid down as also in view of the circulars which have been issued by the State Government and which are applicable to the employees of the Tribal Welfare Department, after verification of the facts pleaded in the petition within a period of three months from the date of receipt of copy of this order.

5. Writ Petition accordingly stands disposed of.

/sharad/

**Sd/-
(P. Sam Koshy)
JUDGE**