

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 5424 of 2020**

1. Smt. Khemlata Das W/o Shri Babloo Das, Aged About 56 Years Presently Working As Lecturer At Govt. Higher Secondary School, Naya Bazaar, Rajhara, District Balod Chhattisgarh,
---- **Petitioner**

Versus

1. State Of Chhattisgarh Through The Secretary, School Education Department, Mahanadi Bhawan, Atal Nagar, New Raipur, Raipur Chhattisgarh,
2. District Education Officer, Balod, District Balod Chhattisgarh
3. Treasury Officer, Treasury Account And Pension, Balod, District Balod Chhattisgarh,
---- **Respondents**

For Petitioner	:	Mr. Somkant Verma, Advocate
For State	:	Mr. Vikas Shrivastava, P.L.

Hon'ble Shri Justice P. Sam Koshy**Order On Board****21.01.2021**

1. Learned counsel appearing for the petitioner submits that the petitioner is entitled to benefit of two advance increments on account of she having passed B.Ed examination before her appointment as her own cost. It is submitted that the issue involved in the present 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. & Ors.**
2. It is further submitted that this Court has also taken a similar view in its order dated 06.02.2009 passed in WP(S) No. 6257 of 2008. Learned Counsel for the petitioner further draws attention of this Court to the

order dated 29.04.2010 passed in Writ Appeal No. 124 of 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 Writ appeal No. 87/2019, directions have been issued for consideration of the case for grant of two advance increments as per circular dated 21.09.1974 issued by the State of Madhya Pradesh, after verification of the facts pleaded in the petition.

3. Learned counsel for the State submits that case of the petitioner would also be considered on the same lines.
4. In view of the statement made above, this petition is finally disposed off with a direction to the respondent authorities to consider and decide the claim of the petitioner for grant of two advance increments as per circular dated 21.09.1974 issued by the State of Madhya Pradesh, after verification of the facts pleaded in the petition within a period of three months from today.
5. It is made clear that this Court has not expressed any opinion on merits of the case and the authority concerned would be at liberty to decide the same strictly in accordance with law after due scrutiny of the facts and circumstances of the case.

Sd/-

P. Sam Koshy
Judge