

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No.6499 of 2021**

1. Shankarlal Bariha S/o Late Shri Sahdev Singh Bariha Aged About 58 Years Working As Assistant Teacher, Adiwasi Boys Hostel, Tarekela, District Mahasamund Chhattisgarh.
2. Johar Lal Vatshal S/o Late Shri Fulchand Vastshal, Aged About 59 Years Working As Assistant Teacher, Pre-Metric Scheduled Caste Boys Hostel, Jhara, District Mahasamund Chhattisgarh.
3. Ramdhan Sidar S/o Late Shri Garun Singh Sidar, Aged About 60 Years Working As Assistant Teacher, Adiwasi Boys Hostel, Chhotetemri, District Mahasamund Chhattisgarh.

---- Petitioners**Versus**

1. State Of Chhattisgarh Through The Secretary, School Education Department, Mahanadi Bhawan, Mantralaya, New Raipur Chhattisgarh.
2. The Director, Directorate Of Public Instructions, Block-3, First Floor, Indravati Bhawani, Nawa Raipur, Atatl Nagar, District Raipur Chhattisgarh.
3. The Joint Director, Directorate Of Public Instructions, Block-3, First Floor, Indravati Bhawani, Nawa Raipur, Atatl Nagar, District Raipur Chhattisgarh.
4. The District Education Officer Mahasamund, District Mahasamund Chhattisgarh.

---- Respondents**Present:-**

Shri Shikhar Sharma, counsel for petitioner.
 Shri Jitendra Pali, Dy.AG for State/respondents.

Single Bench: Hon'ble Shri Justice Sanjay S. Agrawal**Order On Board****24/11/2021**

1. By way of this writ petition, the petitioners are praying for issuance of direction against the respondents for consideration of their cases of promotion to the next higher post by treating them as trained Teachers.
2. According to the Counsel for the petitioners, the petitioners are trying to

take the benefit which falls from the circular of the State Government dated 22.11.1979 which specifically envisages waving of undergoing the training process for declaring a teacher as a trained teacher in the event if the teacher has completed either 20 years of service or has crossed the age of 50 years.

3. According to the counsel for the petitioners, some of the petitioners herein have already crossed the age of 50 years and at the same time all the petitioners have completed more than 20 years of service. Thus, according to the petitioners, in view of the circular of the State Government, the petitioners have become entitled to be declared as trained teachers.

4. At this juncture, the limited prayer that counsel for the petitioners prays for is that they have already represented to the higher authorities in the department and they may further be made to make a fresh representation to the higher authorities supported with all relevant documents and which the Authorities concerned may consider in accordance with rules, regulations and circulars governing the field and in case if the petitioners are found entitled for the benefit, the same be extended at the earliest.

5. The limited prayer sought for by the petitioners is not opposed by the State counsel, except for the fact that contentions raised by the petitioners need to be verified from the service records of the petitioners.

6. Given the said submissions by the counsel for the parties, the writ petition stands disposed of directing respondents no.1 to 3 to take an appropriate decision in case of the petitioners deciding as to whether the petitioners would be entitled for the exemption for being declared as Trained Teachers or not?

7. Let an appropriate decision be taken in this regard at the earliest preferably within a period of 60 days from the date of receipt of copy of this order.

8. The writ petition accordingly stands disposed of.

SD/-
(Sanjay S. Agrawal)
Judge