CGHC010390952023 2026:CGHC:45292-DB

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WA No. 505 of 2023

Ram Niwas Sahu (Petitioner In Persion) S/o Ganpat Ram Sahu Aged About 40 Years Working As Teacher (L.B.) At Govt. TWD Middle School Shivpur, B.E.O. Ramanuj Nagar, Surajpur Chhattisgarh

... Appellant

versus

1 - State Of Chhattisgarh Through The Secretary, Department Of School Education, Mantralaya, Mahanadi Bhawan, Atal Nagar, New Raipur, District Raipur Chhattisgarh

2 - The Secretary Of Aadim Jati And Anushuchit Jati Vikash Vibhag Mahanadi Bhawan, New Raipur, District Raipur Chhattisgarh

3 - Director Directorate Of Public Instructions, Indrawati Bhawan, Atal Nagar Post Office And Police Station Atal Nagar, New Raipur, District Raipur Chhattisgarh

4 - Joint Director (Treasury Accounts And Pension) Sarguja Division, District Surguja Chhattisgarh

5 - District Education Officer Surajpur, District Surajpur Chhattisgarh

6 - Block Education Officer Ramanujnager, District Surajpur Chhattisgarh

... Respondents

For Appellant	:	Appellant Ram Niwas Sahu appears in person
For Respondents/State	:	Mr. Prasoon Bhaduri, Dy. Advocate General

Hon'ble Mr. Krushna Ram Mohapatra, Chief Justice

Hon'ble Mr. Santosh Sharma, Judge

Judgment on Board

Per : Krushna Ram Mohapatra, Chief Justice

27/10/2026

1. The appellant in this intra-court appeal seeks to assail Order dated

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22.08.2023 (Annexure-A/1) passed by the learned Single Judge in WPS No.5200/2020.

2. By virtue of the impugned order, the writ petition filed by the appellant/ petitioner was dismissed. The appellant, who appears in person, submits that he was appointed to the post of Shiksha Karmi Grade-II vide Order dated 29.05.2009. He further submits that pursuant to an advertisement published, the appellant applied for the post of Shiksha Karmi Grade-II and Grade-III and at that point of time, he had not obtained the degree of B.Ed/D.Ed. The examinations for both the posts were held on 06.04.2008 and the appellant/petitioner was selected as Shiksha Karma Grade-III by Janpad Panchayat Ramanujnagar in the district of Surguja on 01.10.2008. The appellant obtained B.Ed. Decree from Guru Ghashi Das University on 21.05.2008 as a regular student. Firstly, the appellant was appointed to the post of Shiksha Karmi Grade-III and subsequently he was selected for the post of Shiksha Karmi Grade-II and was appointed as such on 29.05.2009. The appointment was made in terms of the provisions of the *Chhattisgarh Panchayat Shikshakarmi (Bharti and Sewa Sharten) Niyam, 2007* (for brevity 'the Rules, 2007'). Later on, the services of the appellant was absorbed in the School Education Department vide Order dated 14.09.2018 in pursuance of the policy decision of the Government dated 30.06.2018. As the appellant was not granted two advance increments, though he was discharging the same duty as other teachers, who were granted such benefit and had acquired B.Ed. Degree prior to joining their post, the appellant filed WPS No.5200/2020 seeking following relief (s):-

10.1 That this Hon'ble Court may kindly be pleased to call

the entire records pertaining to the case of petitioner from the respondents.

10.2 That this Hon'ble Court may kindly be pleased to be set aside the impugned order dated 07.09.2020 passed by the respondent No.3 being illegal, unconstitutional, arbitrary and discriminatory manner.

10.3 That, any other relief/order which may deem fit and just in the facts and circumstances of the case, including cost of the petition may kindly be awarded to the petitioner.

3. It is submitted by the appellant that the inaction on the part of the authority in not extending the benefit of two advance increments was illegal and arbitrary and the appellant was intentionally downgraded in his rank although untrained candidates were placed above him in the select list. As the appellant, at the time of his appointment was not having the B.Ed. qualification and obtained it subsequently at his own expenses, he is entitled to two increments. The learned Single Judge, without considering the same, dismissed the writ petition on the ground that the writ petition was hopelessly barred by limitation as it was filed 11 years after the cause of action arose. It is also submitted that the learned Single Judge most illegally held that there was no provision/rule for granting two advance increments under Rules 2007. It is thus, submitted that the impugned order under Annexure-A/1 is not sustainable and is liable to be set aside. The appellant has also made elaborate submissions stating that though under the Rules 2007, the qualification of B.Ed/BTC/D.Ed. was made mandatory for appointment to the post of Shikha Karmi Grade-II, but he has filed documents which would reveal that even after the Rules 2007 came into force, teachers were appointed without having requisite qualifications. Hence, the case of the appellant/petitioner should have been considered in its

proper perspective and the learned Single Judge should have extended the benefit of two increments to the appellant.

4. Mr. Prasoon Bhaduri, learned Dy. Advocate General for the State, refuting the submissions made by the appellant in person, contends that the appellant was appointed as Shiksha Karmi Grade-II on 29.05.2009. By then, he was holding B.Ed. Degree qualification. There is no provision under the Rules 2007 to grant two advance increments as prayed for by the appellant. Referring to Annexure P/15 of the writ petition, Mr. Bhaduri, learned Dy. Advocate General submits that the policy decision of granting two advance increments to the candidates was discontinued vide a subsequent policy decision taken by the State Government on 07.03.2020 (Annexure-P/15). Although the said document has been annexed with the writ petition, but was not challenged by the appellant. Thus, said policy decision is binding on the appellant. He further submits that the practice of granting two advance increments was discontinued since 16.06.1993 when the qualification of B.Ed./BTC/D.Ed. Degree was made mandatory for appointment to the post of the Shiksha Karmi Grade-II. In cases, where the candidates having requisite qualification were not available, by relaxing the requisite qualification, certain appointments were being made. But that does not give a right to the appellant to claim the benefit. The learned Single Judge has vividly discussed the rival contentions of the parties as well as the relevant rules in the impugned order before arriving at the conclusion. It is also submitted that the reason behind fixing the cut of date of 16.06.1993 was that on and from that date, B.Ed/BTC/D.Ed. degree qualification was made mandatory for appointment for the post of teachers. Admittedly, the

appellant was appointed to the post of Shikha Karmi Grade-II in 2009, under the provisions of Rules, 2007. As such, he was not entitled to the benefit of two advance increments. Prior to 16.06.1993, two advance increments were being granted to the candidates having B.Ed/BTC/D.Ed. Degree qualification, as such eligibility was not mandatory and to incentivize the candidates to acquire that qualification, such increment was being given. The appellant at the time of his appointment had never raised any objection nor raised it subsequently. Thus, the writ appeal merits no consideration and is liable to be dismissed.

5. Taking note of the submissions made by learned counsel for the parties and perusal of the record, it appears that the appellant was appointed in terms of to the provisions under Rules 2007, in which B.Ed/BTC/D.Ed. Degree qualification was made mandatory for appointment to the post of the Shiksha Karmi Grade-II. The appellant was appointed as Shiksha Karmi Grade-II on 29.05.2009 and he joined on the said post without any objection and continued to discharge his duty. The Rules 2007 does not prescribe any provision for advancing/granting two advance increments to the candidates who have obtained B.Ed/BTC/D.Ed. Degree qualification. The said practice was discontinued since 16.06.1993 i.e. from the date when B.Ed/BTC/D.Ed. Degree qualification was made mandatory for appointment to the post of teachers. By virtue of the policy decision dated 07.03.2020 (Annexure-P/15 to the writ petition), earlier policy decision of granting two advance increments was superseded. The said notification though annexed with the writ petition, the appellant did not challenge in the writ petition. As such, the same is binding on the

appellant, which mandates that no further increments shall be granted to the candidates who have obtained B.Ed. Degree qualification, as that of the appellant.

6. We have heard learned counsel for the parties patiently and perused materials on record both in the writ appeal as well as in the writ petition. Upon hearing learned counsel for the parties and on perusal of the record, more particularly, after going through the impugned order at Annexure-A/1, we find no infirmity in it.

7. In view of the above, the writ appeal being devoid of any merit, stands dismissed.

Sd/-
(Santosh Sharma)
Judge

Sd/-
(Krushna Ram Mohapatra)
Chief Justice

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