



2026:CGHC:17761



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 3507 of 2017

- Banshilal Srivas S/o Late Manharan Lal Shrivastava Aged About 61 Years Head Master, Government Primary School Bhanwartank, Block Kota, District Bilaspur, Chhattisgarh

--- Petitioner

versus

1. State Of Chhattisgarh Through Secretary, School Education Department, Mahanadi Bhawan, Mantralaya, New Raipur, Chhattisgarh
2. Director, Public Instruction, Indravati Bhawan, Raipur, Chhattisgarh
3. Joint Director, Treasury, Account And Pension, Bilaspur, District Bilaspur, Chhattisgarh
4. District Education Officer, Bilaspur, District Bilaspur, Chhattisgarh
5. Block Education Officer, Kota, District Bilaspur, Chhattisgarh

--- Respondent(s)

WPS No. 5128 of 2017

- Baldev Singh Solanki S/o Shri Raghunandan Prasad Thakur Aged About 67 Years Retired Head Master R/o Village Pondi Post Office Sildaha Tahsil Mungeli District Mungeli Chhattisgarh.

---Petitioner

Versus

1. State Of Chhattisgarh Through Secretary Department Of School Education Mahanadi Bhawan Mantralaya New Raipur District Raipur Chhattisgarh, Chhattisgarh
2. Joint Director , Treasury Account And Pension Department Raipur District Raipur Chhattisgarh.
3. District Education Officer, Mungeli District Mungeli Chhattisgarh.

--- Respondent(s)

For Petitioners

: Mr. Shashi Kumar Kushwaha, Advocate



For State

: Mr. Vivek Siddharth Ojha, Panel Lawyer

Hon'ble Shri Justice Rakesh Mohan Pandey

Order on Board

20.04.2026

WPS No. 3507 of 2017

1. By way of this petition(WPS No. 3507 of 2017), the petitioner has sought the following relief(s):-

“10.1 A writ in the nature of mandamus may kindly be pleased to set-aside the order dated 01.06.2016 issued by the respondent no. 4 and further directed the respondent authorities to give benefit according to circular dated 05.01.2011.

10.2 That, the period of probation may be assumed as regular when the petitioner was immediately sent for BTI training for a period of 2 years. The petitioner is claiming the relief on parity as per order passed in O.A. 2745/89 (Madhukant Yadu and 56 others Vs State of M.P. and others).

10.3 Any other relief, which may be deemed fit and proper in the facts and circumstances of the case, may also be allowed.”

2. Learned counsel for the petitioner would submit that petitioner was appointed on the post of Assistant Teacher(Trainee Teachers) in the School Education Department on fixed salary of Rs. 100 - 150/- on probation period for 2 years and at the same time he was sent to BTI training. He would contend that the services of the petitioner were regularized after completion of two years of services and in between he completed two years of BTI course successfully and was granted pay scale of Rs. 169 – 300/-.

Mr. Kushwaha would contend that the petitioner is entitled for regular



pay scale from date of initial appointment. He would contend that some of similarly situated Teachers, who were appointed along with the petitioner vide order dated 01.07.1976, have already been extended said benefit. He would submit that the petitioner made representation before the respondent authority but same has been rejected vide order dated 01.06.2016. He would pray to quash the order impugned.

3. On the other hand, Mr. Vivek Siddharth Ojha, Panel Lawyer appearing for the State would submit that said benefit has been extended in favour of those Teachers, who submitted orders passed by the High Court in their favor. He would contend that the petitioner simply submitted representation, therefore, his representation was rejected.

4. Heard.

5. Taking into consideration the above-considered fact, the order Annexure P/1 is hereby set-aside. The District Education Officer, Bilaspur is directed to consider the claim of the petitioner within a period of 120 days from the date of receipt of copy of this order keeping in mind benefit extended to similarly situated Teachers and orders passed in various writ petitions by this High Court.

WPS No. 5128 of 2017

6. By way of this petition(WPS No. 5128 of 2017), the petitioner has sought the following relief(s):-

“10.1 That, this Hon'ble Court may kindly be pleased to direct the respondent to grant regular



pay scale from first date of appointment with arrears and interest of 18%, in the interest of justice.

10.2 That, this Hon'ble Court may kindly be pleased to direct the respondents to revise pensionary benefit and other retiral benefit accordingly, in the interest of justice.

10.3 Any other relief which may be suitable in the facts and circumstances of the case, may also be granted..”

7. Mr. Shashi Kumar Kushwaha, Advocate would submit that the petitioner claimed regular pay scale from initial date of appointment, but his representation has been rejected vide order dated 24.02.2014. He would contend that similar benefit has been extended to many Teachers. He would contend that District Education Officer, Mungeli has rejected representation of the petitioner on the ground that initially petitioner was neither appointed on probation nor on a fixed pay scale. He would pray to set-aside said order.
8. On the other hand, learned counsel appearing for the State would oppose. He would submit that as the petitioner was not appointed on fixed pay scale, therefore, his claim has rightly been rejected by the respondent authorities.
9. Heard.
10. Perusal of Annexure P/3 dated 01.12.2011 would show that benefit of regular pay scale has been extended to some of the Teachers, whereas, the petitioner has been denied said benefit; therefore, the order Annexure P/1 is hereby quashed and the respondent No. 3 is directed to reconsider the matter afresh. The petitioner would be at liberty to make a detailed representation along with relevant documents within a period of 30 days before respondent No. 3



and said authority is directed to decide the representation so made by the petitioner within further period of 90 days.

11. With the aforesaid observation(s), and direction(s), both the petitions are **disposed of.**

Sd/-
(Rakesh Mohan Pandey)
JUDGE

Siddhant