



YOGESH
TIWARI

Digitally signed by
YOGESH TIWARI
Date: 2026.02.24
17:24:40 +0530

2026:CGHC:9598

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 4426 of 2023

Smt. Sushila Bai W/o Anjor Singh Kanwar Aged About 44 Years R/o
Village Budhiyapali, Block Kartala, District Korba (C.G.)

... Petitioner

versus

- 1** - State of Chhattisgarh Through Its Secretary, Dept. of School
Education, Mantralaya, Mahanadi Bhawan, Nawa Raipur, Atal Nagar,
Raipur, Distt. Raipur (C.G.)
- 2** - Director Public Instructions, Chhattisgarh, H.Q. Indravati Bhawan,
Nawa Raipur, Atal Nagar, Distt. Raipur (C.G.)
- 3** - District Education Officer, Rajnandgaon Distt. Rajnandgaon (C.G.)

... Respondents

(Cause-title taken from Case Information System)

For Petitioner	:	Ms. Juhi Anguriya, Advocate
For State/Respondents	:	Mr. Arpit Agrawal, Panel Lawyer

Hon'ble Shri Amitendra Kishore Prasad, Judge
Order on Board

24.02.2026

- 1.** The petitioner has filed this writ petition with the following
relief(s):-

*“a) This Hon'ble Court may kindly be pleased
to issue a writ in mandamus directing the
respondents to consider the claim of the*

petitioner for grant of pay scale, annual grade increment, etc., from initial date of appointment of her late husband i.e. 17.05.1996 with all consequential benefits of service.

b) Any other relief as the Hon'ble Court may be deemed fit and proper.

c) Cost of petition may kindly be allowed.”

2. Learned counsel for the petitioner submits that the petitioner is not assailing any specific order but is aggrieved by the inaction of the respondent authorities in not extending the benefit of regular pay scale and consequential increments to her late husband, Late Anjor Singh Kanwar, from the date of his initial appointment dated 17.05.1996. It is submitted that similarly situated Assistant Teachers appointed under the same special recruitment scheme were granted such benefits pursuant to the decision rendered by the learned M.P. State Administrative Tribunal in ***Madhukant Yadu and Others v. State of M.P. and Others (O.A. No.2745/1989 decided on 24.08.1992)***, which attained finality, and thereafter implemented by the authorities pursuant to directions issued by the High Court of Madhya Pradesh, including Gwalior Bench. It is further submitted that in compliance with the orders passed by the High Court of Madhya Pradesh as well as by this Court in ***Mangalu Ram Kanwar and Others v. State of Madhya Pradesh and Others (WPS No. 4249/2018 decided on 02.07.2018)***, the State authorities extended the benefit of pay

scale, increments and other consequential service benefits to similarly placed teachers. However, despite being identically situated, the name of the petitioner's late husband was not considered and no benefit has been extended to him or to the petitioner after his demise on 27.04.2021. Such omission is wholly arbitrary and discriminatory.

3. Learned counsel submits that denial of the same benefit to the petitioner's late husband, while granting it to other similarly situated employees, is violative of Articles 14 and 16 of the Constitution of India. Since the cause of action is recurring in nature, as lesser pay and consequential retiral benefits have been computed, the petitioner, being widow and legal representative, is entitled to parity and grant of pay scale from the initial date of appointment along with all consequential benefits.
4. Learned State counsel submits that the State has no objection to the limited prayer made by learned counsel for the petitioner. It is further submitted that in the event the petitioner submits a detailed representation before the competent authority, the same shall be considered and decided in accordance with law within a stipulated time frame to be fixed by this Court.
5. I have heard learned counsel for the parties and perused the documents annexed with the writ petition.
6. Considering the matter in its entirety and upon hearing learned counsel for the parties, this Court is of the opinion that the ends of

justice would be served by permitting the petitioner to approach the competent authority by way of a detailed representation, particularly in view of the limited prayer made and the fair stand taken by learned State counsel.

7. Accordingly, without expressing any opinion on the merits of the claim raised in the present writ petition, the same is disposed of with a direction that the petitioner shall submit a detailed and comprehensive representation before the competent authority within a period of two weeks from the date of receipt of certified copy of this order, along with all relevant documents. Upon receipt of such representation, the competent authority shall consider and decide the same strictly in accordance with law, by passing a reasoned and speaking order, within a further period of 45 days thereafter.
8. It is made clear that this Court has not adjudicated upon the merits of the claim, and the authority shall take an independent decision uninfluenced by any observation made herein.
9. With the aforesaid observations/directions, instant writ petition stands **disposed of**. There shall be no order as to costs.

Sd/-

(Amitendra Kishore Prasad)
Judge