



2026:CGHC:32973



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NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****WPS No. 4833 of 2020**

Dharmendra Kumar Gwalwanshi, S/o Shri Hari Ram Gwalwanshi,
aged 43 years, Lecturer, Government Girls Higher Secondary School,
Dadhi, Tahsil & District Bemetara, Chhattisgarh.

... Petitioner**versus**

1. State Govt. of Chhattisgarh, Through the Secretary, School Education Department, Police Station Rakhi, Atalnagar, New Raipur, Chhattisgarh.
2. Principal, Government Girls Higher Secondary School, Dadhi, Tahsil & District Bemetara, Chhattisgarh.
3. District Education Officer, Bemetara, Chhattisgarh.

... Respondents

For Petitioner : Mr. Vinod Kumar Sharma, Advocate.

For Respondents : Mr. Rahul Tamaskar, Government Advocate.

Single Bench:-**Hon'ble Shri Justice Sanjay K. Agrawal****Order on Board****30/07/2026**

1. By this writ petition, the petitioner has substantially prayed for a direction to the respondents for grant of two additional increments in lieu of passing D.Ed. examination.



2. The petitioner passed D.Ed. examination in June, 2002 and thereafter filed application for grant of two additional increments for passing the said examination.
3. This Court in the matter of **Smt. Neelam Dubey v. State of Chhattisgarh and others**¹ has considered the issue and held that the cut off date of appointment i.e. prior to 16-6-1993 mentioned in the first part of the circular dated 6-2-2007 appears to be quite justified, and observed as under: -

“7. The Recruitment Rules namely Madhya Pradesh Non-Gazetted Class III Education Service (Non-Collegiate Services) Recruitment and Promotion Rules, 1973 have been amended on 16.6.1993 and earlier, D.Ed./B.Ed/BTI were not the necessary qualifications for appointment as Teachers/ Assistant Teachers/Lecturers. Admittedly, the petitioner was appointed on 27.1.1994 (Annexure P/2). In clause 6 of the said Appointment Order, it has been categorically mentioned that B.Ed./D.Ed./BTI were the necessary qualifications. In order to benefit the highly qualified teachers, who had obtained D.Ed./B.Ed/BTI at their own expenses, the State has formulated a Policy vide Circular dated 6.2.2007 for grant of two advance increments to them and after the amendment, the said qualifications were made necessary and prescribed as minimum qualification required for appointment on the post of Teacher. The State Government has not extended the benefit of two advance increment in lieu of passing the B.Ed./D.Ed./BTI Examination at their own expenses to those teachers who have been appointed after the said amendment i.e. 16.6.1993 and accordingly, the Circular/order dated 1.12.2016 has been issued, whereby, the Circulars dated 6.2.2007 and 12.3.2007 were set-aside.

8. In the second round of litigation i.e. in a bunch of Writ Appeals i.e. WA No.105/2014 and other connected Appeals, preferred by the State, in para 9 & 10 of the order dated 4.4.2014 (Annexure P/9), the said issue has been examined and in para 10, it has been categorically observed that the cut off date of appointment i.e. prior to 16.6.1993 mentioned in the first part of the Circular dated 6.2.2007 appears to be quite justified. So there is a rationality in the decision taken

¹ WPS No.2051/2017, decided on 25-4-2024



by the State Government as after the amendment, the qualification of B.Ed/D.Ed./BTI became necessary qualifications to get appointment on the said posts, however, earlier, the same were not necessary qualifications.

9. For the foregoing, this Court is of the view that merely because after the order passed by this Court on 4.4.2014 in WA No 104/2014 and other connected Appeals, respondents 5 & 6 have been awarded two advance increments, the petitioner cannot claim negative parity for grant of benefit which has been extended to them. The concept of equality as envisaged under Article 14 of the Constitution is a positive concept which cannot be enforced in a negative manner. Further, it is trite law that right to equality under Article 14 is not in negative terms.”

4. Coming to the facts of the case, since the petitioner herein was appointed as Assistant Teacher in the year 1997 and in view of the circular dated 1-2-2016, the petitioner having been appointed after 16-6-1993 and also in view of the decision of a coordinate Bench of this Court in **Smt. Neelam Dubey** (supra), the petitioner would not be entitled for two increments for passing the D.Ed. examination. Consequently, the petition deserves to be and is accordingly dismissed. No order as to cost(s).

Sd/-
(Sanjay K. Agrawal)
Judge