



2026:CGHC:18908



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NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****WPS No. 6662 of 2021**

Shekh Murabbi S/o Abdul Rahim Aged About 58 Years Head Master, Posted At Government Middle School, Joor, Block Bhaiyathan, District Surajpur (C.G.), R/o Village Sonpur, Post Banja, Block Bhaiyathan, District Surajpur Chhattisgarh.

... Petitioner**versus**

1 - State Of Chhattisgarh Through The Secretary, School Education Department T, Mantralaya, Mahanadi Bhawan, Naya Raipur, District Raipur Chhattisgarh.

2 - State Of Chhattisgarh, Through The Secretary, Tribal Welfare Department, Mantralaya, Mahanadi Bhawan, Naya Raipur, District Raipur Chhattisgarh.

3 - Director, Directorate Of Public Education Indrawati Bhawan Naya Raipur Chhattisgarh.

4 - Collector, Surajpur, District Surajpur Chhattisgarh.

5 - District Education Officer Surajpur, District Surajpur Chhattisgarh.

... Respondent(s)

For Petitioner	:	Ms. Meena Shastri, Advocate
For Respondent(s)	:	Mr. Abhyuday Tripathi, Panel Lawyer

Hon'ble Shri Justice Rakesh Mohan Pandey**Order on Board**



24/04/2026

1. The petitioner has filed this petition seeking the following relief:-

"10.1. This Hon'ble Court may kindly be pleased to issue an appropriate writ/direction/order commanding the respondents to quash the order dated 25.05.2021 (Annexure P/1) with order dated 11.05.2017 (Annexure P/2) and to provide the benefit of two increments to the petitioner.

10.2. Any other relief(s), which may deems fit, looking to the facts & circumstances of the case may be given to the petitioner."

2. Learned counsel for the petitioner would submit as under:-

- A.** The petitioner is presently working on the post of Headmaster and is posted at Government Middle School, Joor, Block Bhaiyathan, District Surajpur (C.G.). She would further submit that the petitioner was initially appointed as Assistant Teacher vide order dated 13-02-1984 in the Tribal Welfare Department and, after successful completion of the probation period, his services were duly confirmed on the said post. She would further submit that petitioner was subsequently promoted to the post of Upper Division Teacher (U.D.T.) and thereafter again promoted to the post of Headmaster vide order dated 06-11-2009. She would also submit that on 29-09-2018, in compliance of order dated 30-06-2018, the respondent No.3 merged the posts of the Tribal Welfare Department into the School Education Department and consequently the post of the petitioner also stood merged in the School Education Department.
- B.** She would contend that the petitioner, after obtaining permission from the competent authority, took admission in the year 2017 in the D.El.Ed. (Diploma in Elementary



Education) training course conducted by the National Institute of Open Schooling, regulated by the Government of India and authorized by the State Government, on his own expenses. She would further contend that duration of the said course was for two years and the petitioner successfully completed the same in the year 2019. After completion of the said training, the petitioner submitted all relevant documents before the department and claimed two advance increments as per applicable policy.

- C.** She would argue that similarly situated employees have been granted benefit of two advance increments on acquiring the said qualification, however, the same benefit has not been extended to the petitioner till date, which is arbitrary and discriminatory.
- D.** She would further argue that being aggrieved by the inaction of the respondents, the petitioner earlier approached this Court and vide order dated 20-02-2020 direction was issued to the authorities to consider the representation of the petitioner. In compliance thereof, the petitioner made a detailed representation before the competent authority; however, the same has been rejected by the respondent authority vide order dated 25-05-2021 by placing reliance upon circular dated 11-05-2017. The order dated 25.05.2021 has been passed without application of mind, therefore, same may be quashed.
- E.** She would lastly submit that the respondent authority has issued orders impugned without interpreting the order dated 01.12.2016, properly.

3. On the other hand, learned State counsel would oppose the



submissions put forth by the counsel for the petitioner. He would refer to the circular dated 11.05.2017, wherein it is stated that teachers who completed B.ED./D.ED/B.T.I. training during the course of employment and received all benefits attached to the post, including salary and allowances, would not be entitled to two advance increments. He would further submit that after notification dated 17.06.1993, the relevant rules were amended and the said qualification became a requirement for the post of teacher; therefore, the petitioner is not entitled to two advance increments.

4. Heard.
5. Admittedly, the petitioner was appointed as a teacher in the year 1984 and, after obtaining permission from the department, he completed the D.Ed. Course, thereafter, he made a representation for grant of two advance increments, which was rejected by respondent No. 3 vide order dated 25.05.2021.
6. The circular dated 11.05.2017 makes it clear that teachers who completed B.ED./D.ED/B.T.I. etc. on their own expenses, while discharging their duties and receiving salary and allowances, would not be entitled to two advance increments. The relevant paragraph of the circular is reproduced as under:-

"उपरोक्त निर्देश के परिपालन के संदर्भ में यह पाया गया कि 01.12.2016 को शासन द्वारा जारी आदेश में दो अग्रिम वेतन वृद्धियों की स्वीकृति केवल उन्हीं शिक्षकों के लिए है जो सेवाकाल के दौरान विभागीय अनुमति प्राप्त कर स्वयं के व्यय पर बी.एड./डी.एड./बी.टी.आई. प्रशिक्षण प्राप्त किये हैं एवं राज्य शासन को उन शिक्षकों के प्रशिक्षण के लिए कोई वित्तीय भार वहन करना नहीं पड़ा है, किन्तु उपरोक्त न्यायालयीन याचिकाओं के याचिकाकर्ता विभागीय चयनकर्ता सक्षम अधिकारी द्वारा प्रशिक्षण के लिए चयनीकृत होने पर शासन द्वारा पूर्ण वेतन भत्ते तथा वार्षिक वेतन वृद्धियों सहित पूर्णकालिक प्रशिक्षण प्राप्त किये हैं। दिनांक 11.01.2016 को माननीय उच्च न्यायालय द्वारा पारित आदेश में ऐसे



कोई लाभ (बी.एड./डी.एड./बी.टी.आई. उत्तीर्ण होने पर दो अग्रिम वेतन वृद्धि) देने के लिए स्पष्ट निर्देश नहीं दिया गया है अपितु निर्णय लेने के लिए शासन को सक्षम गान्य किया गया है, उपरोक्त समस्त तथ्यों को दृष्टिगत रखते हुए माननीय उच्च न्यायालय बिलासपुर के आदेश दिनांक 11.01.2016 का परिपालन करते हुए विचारोपरांत राज्य शासन एतद्वारा संबंधित समस्त याचिकाकार्ताओं का अभ्यावेदन अमान्य करता है, साथ ही यह भी स्पष्ट किया जाता है कि ई-संवर्ग एवं टी-संवर्ग के अंतर्गत कार्यरत / सेवानिवृत्त समस्त शिक्षकगण जिन्होंने सेवाकाल के दौरान शासन द्वारा पूर्ण वेतन एवं भत्तों को प्राप्त करते हुए बी.एड./डी.एड./बी.टी.आई. का प्रशिक्षण नियमित रूप से प्राप्त करते हुए उत्तीर्ण किया हो उन्हें दो अग्रिम वेतन वृद्धि पाने की पात्रता नहीं होगी।"

7. With regard to the submission made by Ms. Shastri that the circular dated 01.12.2016 was not properly interpreted while passing the impugned orders, it is noted that the petitioner has not challenged the circular dated 11.05.2017, which constitutes an additional ground for dismissal of the present petition.
8. Taking into consideration the above discussed fact and the circular dated 11.05.2017, in my opinion, the petitioner is not entitled to two advance increments. The respondent authorities have rightly rejected the claim of the petitioner. Accordingly, the petition is hereby dismissed.

Sd/-

Rakesh Mohan Pandey

JUDGE

Nadim