

**HIGH COURT OF CHHATTISGARH, BILASPUR****W.P. (S) No. 949 of 2023**

Om Prakash Dhanki S/o Late Shri Parmeshwar Nath Danki, Aged About 47 Years R/o Village Kotchhal, Po Jamkani, Ps Sitapur, District Surguja, Chhattisgarh, Pin 494114

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Secretary, Higher Education Department, Mahanadi Bhawan, Atal Nagar, Raipur Chhattisgarh.
2. Block Education Officer, Mainpat, District Surguja, Chhattisgarh.
3. Collector (Tribal Devekopmetn), Ambikapur, District : Surguja (Ambikapur), Chhattisgarh

--- Respondents

For Petitioner	-	Ms. Anuja Sharma, Advocate
For State	-	Ms. Sunita Jain, GA

Order on Board by Hon'ble Shri Justice Sachin Singh Rajput**09/05/2023**

In this petition the petitioners have prayed for the following reliefs:

“10.1 This Hon’ble Court may kindly be pleased to call for all the records of this case.

10.2 This Hon’ble Court may kindly be pleased to issue an direction to the respondent authorities to make payment of subsistence allowance to the petitioner from May 2014 till December 2020 along with interest.

10.3 Any other relief which this Hon’ble Court deems fit and proper under the facts and circumstances may also be provided to the petitioners.”

2. For the same grievance, the petitioner had earlier filed a Writ Petition (S) No. 6230 of 2019 where this Court passed the order dated 19.8.2019, relevant portion of which reads as under:

“4. Given the said facts, let respondents 1 & 3 take an appropriate decision on the claim of the petitioner for



releasing subsistence allowance on due verification of the factual matrix as narrated in the preceding paragraphs. In case the petitioner is entitled for any dues under the rules, the same should be released to the petitioner at the earliest preferably within a period of 4 months from the date of receipt of copy of this order.

5. It is made clear that this Court has not expressed any opinion on merits of the case so far as the entitlement of the petitioner is concerned."

3. It is submitted that compliance of the order dated 19.08.2019 has not been made by the respondents, therefore, this petition has been filed. She further submits that as the petitioner was in jail, he could not file the contempt petition for non-compliance of the order dated 19.8.2019.

4. State counsel however opposes the submissions made by counsel for the petitioner.

5. Be that as it may, since the issue involved in this petition for considering the claim of the petitioner to release the subsistence allowance has already been decided by this Court in WP(S) No. 6230/2019, in the considered opinion of this Court the present petition seeking the same relief is not maintainable.

6. It is however expected from the State authorities to consider the claim of the petitioner and pass an appropriate order as directed by this Court in the earlier writ petition referred to above.

7. Petition is dismissed as not maintainable.

Sd/-

(Sachin Singh Rajput)
Judge