



NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 1555 of 2023

- Upendra Singh Thakur S/o Shri Prem Singh Thakur Aged About 54 Years Occupation Lecturer, Presently Working At Govt. Higher Secondary School Gobripat Block Kota District Bilaspur Chhattisgarh

---- **Petitioner**

Versus

1. State Of Chhattisgarh Through Secretary, School Education Department Mahanadi Bhawan, New Raipur, District Raipur Chhattisgarh
2. The Director Public Instructions Chhattisgarh Indrawati Bhawan New Raipur, District Raipur Chhattisgarh
3. The District Education Officer District Bilaspur Chhattisgarh
4. The Principal Govt. Higher Secondary School Gobripat Block Kota District Bilaspur Chhattisgarh

---- **Respondents**

WPS No. 1558 of 2023

- Shail Kumar Kurre S/o Shri Man Das Kurre, aged about 51 years, occupation Lecturer, presently working at Govt. High School Godaiya Block Bilha District- Bilaspur (C.G.).

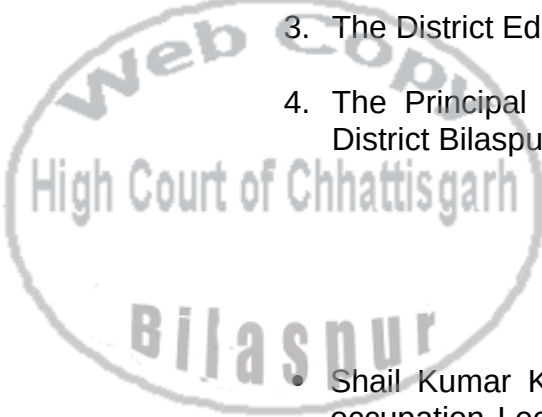
---- **Petitioner**

Versus

1. State of Chhattisgarh Through Secretary, School Education Department Mahanadi Bhawan, New Raipur, District- Raipur (C.G.).
2. The Director Public Instructions Chhattisgarh Indrawati Bhawan New Raipur, District- Raipur (C.G.).
3. The District Education Officer District Education Officer District Bilaspur (C.G.).
4. The Block Education Officer Block Bilha District- Bilaspur (C.G.).

---- **Respondents**

WPS No. 1559 of 2023





- Bindeshwar Ram Bhagar S/o Shri Gahnu Ram Bhagat Aged About 50 Years Occupation Head Master, Presently Working At Govt. Middle School Parsada Block Kota District Bilaspur Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, School Education Department Mahanadi Bhawan, New Raipur, District Raipur Chhattisgarh.
2. The Director Public Instructions Chhattisgarh Indrawati Bhawan New Raipur, District Raipur Chhattisgarh.
3. The District Education Officer, District -Bilaspur Chhattisgarh.
4. The Block Education Officer, Block Kota District - Kota District Bilaspur Chhattisgarh.

---- Respondents

WPS No. 1633 of 2023

- Rameshwar Prasad Sahu S/o Shri Sarju Ram Sahu Aged About 56 Years Occupation- Upper Division Teacher, At Govt. Middle School Sajapali Block Kota, District- Bilaspur, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, School Education Department, Mahanadi Bhawan, New Raipur, District- Raipur, Chhattisgarh
2. The Director Public Instructions, Chhattisgarh Indrawati Bhawan, New Raipur, District- Raipur, Chhattisgarh
3. The District Education Officer, Bilaspur District- Bilaspur, Chhattisgarh
4. The Block Education Officer, Block- Kota District- Bilaspur, Chhattisgarh

---- Respondents

For Petitioners : Mr. Ashwani Shukla, Advocate

For State : Mr. Kashif Shakeel, Dy. A. G.

Hon'ble Shri Justice Narendra Kumar Vyas



Order on Board

20.03.2023

1. Learned counsel for the petitioner (in WPS No. 1555 of 2023) has prayed for following reliefs:

“10.1. That this Hon’ble Court may kindly be pleased to issue writ of mandamus ordering the respondents to give similar benefits to the petitioner, to pay the petitioner two additional increments from the date of passing the D. ED., B.Ed. & M. Ed. Examination.

10.2. That the Hon’ble Court may kindly pleased to direct to the respondents to pass appropriate order in compliance of earlier order passed by Hon’ble Court order dated 04.07.2018 in W.P. (S) No. 4316/2018,

10.3 Any other relief, which my lord may deem fit, may also kindly be awarded”

2. The petitioners have done D. Ed. on their own expenditure after obtaining necessary approval from the department had filed writ petition bearing WPS No. 4316/2018 (Annexure P/5), wherein this Court vide order dated 04.07.2018, has directed that the petitioner is entitled for two annual increments on account of he being passed D.Ed. Examination. The petitioners in pursuance of order passed by the Coordinate Bench, has moved an application before the District Education Officer for grant of the benefit of two increments, but the State has not complied with the orders, therefore, present petitions have been filed by the petitioners.





3. From the pleadings made in the writ petitions and relief sought, it is nothing but against inaction of respondents in complying with the order, therefore, the present writ petition under Article 226 of the Constitution of India for compliance of the order passed in earlier writ petition is not maintainable, as the petitioners have alternate remedy of filing contempt petition as per the provisions of Contempt of Courts Act, 1971 read with Article 215 of the Constitution of India. Thus, present writ petitions are not maintainable and it is disposed of with a liberty to take recourse available under the Contempt of Courts Act, 1971 read with Article 215 of the Constitution of India.

4. With this observation and liberty granted in favour of the petitioners, the writ petitions are disposed of.

Sd/-

(Narendra Kumar Vyas)
Judge