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(2)

SINGLE BENCH
IN THE HIGH COURT OF JUDICATURE AT BILASPUR
CHHATTISGARH

W.P. (S) No. 533 / 2011

PETITIONER

Smt. Darshana Madne W/o Shri
Prakash Madne, Aged about 50 years,
Occupation – Lecturer, Govt. Girls
Higher Secondary School Vaishali
Nagar Bhilai Distt. Durg (CG).

452/2011
P.A. No. 452/2011
Presented by 21/11/2011
21/11/2011

VERSUS

RESPONDENTS

1. State of Chhattisgarh,
Through – The Secretary, School
Education Department, D.K.S.
Bhawan, Raipur (C.G.)
2. Joint Director, Accounts,
Treasury and Pension, Raipur
(C.G.)
3. District Education Officer District
Durg (CG)



WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION
OF INDIA



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HIGH COURT OF CHHATTISGARH, BILASPUR

SINGLE BENCH : HON'BLE SHRI PRASHANT KUMAR MISHRA, J.

W.P.(S) No.523 of 2011

PETITIONER

Smt. Darshana Madne.

Versus

RESPONDENTS

State of Chhattisgarh and others.

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA.

Appearance:

Shri Vipin Tiwari, counsel for petitioner.

Shri Yashwant Singh, Deputy Advocate General for the State.

**ORAL ORDER
(31/01/2011)**

Following oral order of the Court was passed by
Prashant Kumar Mishra, J.

Heard.

(2) Learned counsel appearing for the petitioner submits that the petitioner is entitled to benefit of two advance increments on account of she having passed B.Ed. examination before her appointment at her own cost. It is submitted that the issue involved in the present petition is no longer *res integra* and the same has been finally decided by the Hon'ble Supreme Court in the case of *Asha Saxena vs. State of M.P. & Ors.*, reported in 2009 (III) MPJR (SC) 59.

(3) It is further submitted that this Court has also taken a similar view in its order dated 06/02/2009 passed in W.P. (S) No. 6257 of 2008. Learned counsel for the petitioner further draws attention of this Court to order dated 29/04/2010 passed in Writ Appeal No. 124 of 2009, wherein relying upon the judgment of the Supreme Court in the case of *Asha Saxena* (supra) and the order passed by this Court in another Writ Appeal No. 87/2009, directions have been issued for consideration of the case for grant of two advance increments as per circular dated 21/09/1974 issued by the State of Madhya Pradesh, after verification of the facts pleaded in the petition.



(4) Learned counsel for the respondents submits that case of the petitioner would also be considered on the same lines.

(5) In view of the statement made above, this petition is finally disposed off with a direction to the respondent authorities to consider and decide the claim of the petitioner for grant of two advance increment as per circular dated 21/09/1974 issued by the State of Madhya Pradesh, after verification of the facts pleaded in the petition within a period of eight weeks from today.

Sd/-
Prashant Kumar Mishra
Judge