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**IN THE HON'BLE HIGH COURT OF CHHATTISGARH AT  
BILASPUR**

**Single Bench**

**W. P. (S) No. 2014 /2012**

**PETITIONER:**

Fekulal Kashyap S/o. Shri Hem  
Lal Kashyap, aged about 56  
years, presently working as Upper  
Division Teacher, at Govt. Middle  
School, Kaitha, Block- Jaijaipur,  
Distt. Janjgir-Champa (C.G.)

*20/11/12*  
Presented by Shri. *Ashwini Kashyap*  
dated *16/11/12*

**VERSUS**

**RESPONDENTS:**

1. State of Chhattisgarh  
Through: - Secretary, Department  
of School Education Mantralaya,  
D.K.S. Bhawan, Raipur, (C.G.)
2. The District Education Officer,  
District-Janjgir-Champa (C.G.)
3. The Block Education Officer  
Block- Jaijaipur, Distt. Janjgir-  
Champa (C.G.)
4. Joint Director,  
Treasury, accounts, pension,  
Bilaspur District-Bilaspur (C.G.)



**WRIT UNDER ARTICLE 226 OF THE CONSTITUTION OF  
INDIA**

1. **PARTICULARS OF THE PETITIONER:**

As per cause title.

2. **PARTICULARS OF THE RESPONDENTS:**

As per cause title.

*As U*



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HIGH COURT OF CHHATTISGARH : BILASPUR

WRIT PETITION (S) NO.2014 OF 2012

PETITIONER

Fekulal Kashyap

Versus

RESPONDENTS

State of Chhattisgarh & Others

(Writ Petition under Article 226 of the Constitution of India)

Single Bench : Hon'ble Shri Satish K. Agnihotri, J.

Present :- Shri Ajay Barik, Advocate for the petitioner.

Ms. Sunita Jain, Panel Lawyer for the State.

ORDER

(Passed on this 11<sup>th</sup> day of May, 2012)

1. Learned counsel appearing for the petitioner submits that the issue involved in the case is asto whether, the petitioner is entitled to regular pay scale w.e.f. the date of initial appointment or after completion of probation period.
2. The issue involved, herein was considered by the Madhya Pradesh State Administrative Tribunal, Jabalpur in O.A. No.2745/89 (*Madhukant Yadu and 56 others Vs. State of M.P. & others*), wherein it was held that the similarly situated teachers are entitled to regular pay scale w.e.f. the date of initial appointment. The matter was taken up to Supreme Court in Special Leave Petition (Civil) No.6892/93. The said petition was dismissed by the Supreme Court upholding the decision of the Tribunal to the effect that the Teachers/Assistant Teachers are entitled to regular pay scale from date of initial appointment. The State has also issued a circular to that effect on 05.01.2011.
3. Accordingly, the petitioner is granted liberty to make a representation raising all the grievance and in turn, the concerned respondents are directed to decide the representation, if any, in accordance with law, on its own merits, within a period of eight weeks from the date of receipt of the representation.
4. In view of the foregoing, this petition is disposed of. No order asto costs.

Gowri

Sd/-  
**Satish K. Agnihotri**  
**Judge**