

W.P.No.2884 / 2012 (S)

30/03/2012:

Shri Subodh Abhyankar, advocate for the petitioner.

Shri Pramod Mitha, GA for the respondent/state.

Heard on the question of admission.

The petitioner before this Court has filed the present writ petition being aggrieved by denial of two advance increments in view of the provisions of FR-22D on account of his promotion from the post of Asstt. Teacher to Upper Division Teacher.

Learned petitioner's counsel at the outset has argued before this Court that the controversy involved in the present writ petition is squarely covered by the judgment delivered by this Court in the case of **State of M.P. Vs. Dayaram Patidar** on 04.10.2002 in W.P. No.1104 of 01 and, therefore, petitioner is entitled the same benefit as has been extended to Shri Dayaram Patidar.

Learned petitioner's counsel prays for disposal of the present writ petition in the light of the judgment of **Dayaram Patidar (supra)**.

Learned counsel appearing for the respondents has no objection for issuance of a direction to the concerned respondent for examining the petitioner's case in view of the aforesaid judgment.

Keeping in view the submissions of counsel for the parties,

the present writ petition is disposed of by issuing a direction to the concerned respondent to examine the petitioner's case in respect of the grant of two advance increments, as mentioned above, keeping in view the judgment of this Court in the matter of **State of M.P. Vs. Dayaram Patidar (Supra)** and any other binding judgment on the point. If the petitioner is found entitled, the said benefit will be extended to him. If any adverse order is passed, that will be a reasoned speaking order.

The petitioner is directed to submit a certified copy of this order along with the writ petition and its annexures, to the concerned respondent within two weeks from today. The concerned respondent is directed to decide the claim of the petitioner within six weeks thereafter.

The writ petition is accordingly disposed of.

No costs.

(N.K.Mody)
J U D G E

mohorir/-