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HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No.2540 of 2007**

1. Ashok Kumar Adil, aged about 37 years, S/o Shri Ram Gopal, M.Sc. (Maths) B.Ed.
2. Rajendra Sinha, aged about 39 years, S/o Shri Shyam Lal Sinha M.Sc. (Maths), B.Ed.
3. Harishankar Sahu, aged about 35 years, S/o Shri Mehtaruram Sahu, M.Sc. (Biology), B.Ed.
4. Rajendra Shukla, aged about 38 years, S/o Shri Sant Kukmar Shukla, M.A. (English)B.Ed.

All petitioners appointed and posted as Assistant Teachers in Vivekanand Vidyapeeth Ramkrishna Paramhans Nagar, Kota, Raipur (CG).

---- Petitioners

Versus

1. State of Chhattisgarh, through Principal Secretary, Scheduled Caste & Scheduled Tribes Development/Welfare Department, Govt. of Chhattisgarh, DKS Bhawan, Mantralaya, Raipur.
2. Vivekanand Vidyapeeth Ramkrishna Paramhans Nagar, Department of Agriculture, Kota, Raipur (CG), (Public Trust Regd. No.187) through Secretary.
3. The Commissioner, Scheduled Caste and Scheduled Tribe Welfare Department, Government of Chhattisgarh, Raipur (CG).
4. District Education Officer, Raipur (CG).
5. Smt. Nisha Chandel, W/o Shri Vikram Chandel, Contract Teacher Grade-II.
6. Smt. Geeta Yadav, W/o Shri Sandeep Yadav, Contract Teacher Grade-II.
7. Shri Vikram Chandel, S/o Shri Ajit Chandel, Contract Teacher Grade-II.
8. Shri Mukesh Borkar, S/o Shri Bhimrao Borkar Contract Teacher Grade-II.
9. Shri Prakash Chand Sahu, S/o Shri Radheshyam Sahu, Contract

Teacher Grade-II.

10. Smt. Sarika Soni, W/o Shri Deshbandhu Soni, Contract Teacher Grade-I.
11. Miss Chitraleka Banjare, D/o Shri N.L. Banjare, Contract Teacher Grade-I.
12. Smt. Minakshi Tiwari, W/o Shri Satish Tiwari, Contract Teacher Grade-I.
13. Shri Dinesh Kumar Sahu, S/o Shri Lakhan Lal Sahu, Contract Teacher Grade-I.
14. Shri Jhalendra Diwan, S/o Shri Nand Kumar, Contract Teacher Grade-I.

All respondents No.5 to 14 C/o Principal Vivekanand Vidyapeeth Adarsh Awasi Uchchattar Madhyamik Vidyalaya, Ramkrishna Paramhans Nagar, Kota, Raipur (CG).

15. Principal Vivekanand Vidyapeeth Adarsh Awasi Uchchattar Madhyamik Vidyalaya, Ramkrishna Paramhans Nagar, Kota, Raipur.

--- Respondents

AND

Writ Petition (S) No.3064 of 2007

1. Rajendra Shukla, aged about 38 years, S/o Shri Sant Kumar Shukla, M.A. (English), B.Ed.
2. Harishankar Sahu, aged about 35 years, M.Sc.(Biology) B.Ed.
3. Rajendra Sinha, aged about 39 years, S/o Shri Shyam Lal Sinha, M.Sc. (Maths) B.Ed.

All petitioners have been appointed as Lower Division Teachers in Vivekanand Vidyapeeth Ram Krishna Param Hans Nagar, Kota, Raipur (CG).

---- Petitioners

Versus

1. State of Chhattisgarh, through Principal Secretary, Scheduled Tribe Welfare Department, Govt. of Chhattisgarh, DKS Bhawan, Raipur.
2. Vivekanand Vidyapeeth Ramkrishna Paramhans Nagar, Kota, Raipur Through Secretary, Vivekanand Vidyapeeth, Adarsh Awasi, Uchchattar Madhyamik Vidyalaya, Ramkrishna Paramhans Nagar, Kota, Raipur.

--- Respondents

AND

Writ Petition No.4499 of 2005

1. Rajendra Sinha, aged about 39 years, S/o Shri Shyam Lal Sinha M.Sc. (Maths), B.Ed.
2. Harishankar Sahu, aged about 35 years, S/o Shri Mehtaruram Sahu, M.Sc. (Biology), B.Ed.
3. Ashok Kumar Adil, aged about 35 years, S/o Shri Ram Gopal Adil, M.Sc. (Maths) B.Ed.
4. Rajendra Shukla, aged about 38 years, S/o Shri Sant Kumar Shukla, M.A. (English)B.Ed.

All petitioners appointed and posted as Lower Division Teachers in Vivekanand Vidyapeeth Ramkrishna Paramhans Nagar, Kota, Raipur (CG).

---- Petitioners

Versus

1. State of Chhattisgarh through Principal Secretary, Scheduled Tribe Welfare Department, Govt. of Chhattisgarh DKS Bhawan, Mantralaya, Raipur.
2. District Education Officer, Raipur.
3. Principal Secretary, School Education Department, Government of Chhattisgarh, Mantralaya DKS Bhawan, G.E. Road, Raipur.
4. Vivekanand Vidyapeeth Ramkrishna Paramhans Nagar, Kota, Raipur, PIN 492010 through Secretary Vivekanand Vidyapeeth Adarsh Awasi Uchchatar Madyamik Vidyalaya Ram Krishna Raramhans Nagar, Kota Raipur (CG) 492010.

--- Respondents

AND

Writ Petition No.5050 of 2005

Hiran Deo Prasad, S/o late Shri Ayodhya Prasad Yadav, aged about 37 years, M.Sc. (Physics), B.Ed. Occupation Service working as Assistant Teacher in Vivekanand Vidyapeeth Ramkrishna Paramhans Nagar Kota, Raipur (CG).

---- Petitioner

Versus

1. State of Chhattisgarh through the Secretary Department of Schedule Caste and Schedule Tribe, Backward Class and Minority Welfare Department Manatralaya, Chhattisgarh DKS Building, Raipur (CG).
2. The Commissioner, Adim Jati Anusuchit Jati, Pichhda Verg and Alp Sankhyak Kalyan, Chhattisgarh Government, Ravi Shanker University Campus, G.E. Road, Raipur.
3. The Collector, Raipur, Tahsil and District Raipur (CG).
4. The Assistant Commissioner, Adivasi Vikas District Raipur, Raipur (CG).
5. District Education Officer, Raipur (CG).
6. The Secretary, Vivekanand Vidyapeeth, Ramkrishna Paramhansa, Nagar, Kota, Raipur (CG).

--- Respondents

For Petitioners : Mr.V.G. Tamaskar and Mr. B.D. Guru,
Advocates
For State/Respondents : Mr. Dhiraj Wankhede, Govt. Advocate and
Mr. N.K. Vyas, Advocate

Hon'ble Shri Justice Sanjay K. Agrawal
Order On Board

31/10/2017

(1) In these batch of writ petitions, the petitioners have challenged the orders Annexure P/1 & Annexure P/2.

(2) Learned counsel appearing for the respective petitioners would submit that impugned orders Annexure P/1 & Annexure P/2 are contrary to law and, therefore, it deserve to be set aside.

(3) Learned counsel appearing for the State would submit that the petitioners, who were appointed as Lower Division Teacher in the institution of Vivekanand Vidyapeeth Ramkrishna Paramhans Nagar, Department of Agriculture, Kota Raipur, have challenged the

circulars/memos issued by the State of Chhattisgarh (Annexures P/3 to P/6) on the ground that by virtue of aforesaid circular, the promotional avenues of the petitioners are jeopardized on the post of Upper Division Teacher and Lecturer is being filled up from amongst the contract teachers. Pursuant to order of this Court, the State Government has filed the affidavit on 12.01.2015 in which it has been stated as under:-

"3. It is respectfully submitted that the post of LDT and UDT have been declared as dying cadre and no appointments are being made on the aforesaid posts. It is further respectfully submitted that when the post of LDT and UDT was declared as dying cadre post, the teachers were engaged on the contractual basis and they were called as Contract Teacher. It is further submitted that subsequently, the post of Contract Teacher were converted into Shiksha Karmis. It is most humbly submitted that looking to the peculiar circumstances, wherein due to declaration of post of LDT and UDT in dying cadre post and looking to the fact that the promotional avenue of the teacher working as LDT are being jeopardize, the State of Chhattisgarh has taken policy decision wherein it has been decided that all those teachers/employees working in 100% grant-in-aid non governmental schools will be granted the benefits of up-graded pay scale (Kramonnati) with effect from 01.10.2006. Copy of the order dated 24.10.2007 depicting this fact is being annexed herewith as Annexure R/4. Similarly it has been further decided that all the teachers/employees working in 100% grant-in-aid non governmental schools will be granted the benefit of 5th Pay Commission with effect from 01.10.2006 and further the benefit of time bound pay scale was also extended with effect from 01.10.2006. The substantiate the above, copy

of the order dated 03.08.2011 is being filed herewith as Annexure R/5."

(4) In view of the affidavit filed by the State Government, the writ petitions are disposed of in terms of the affidavit so filed.

Sd/-

(Sanjay K. Agrawal)
Judge

L/-