



CGHC010006522020



2026:CGHC:36883

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****WPS No. 124 of 2020**

1 - Deepak Kumar Tiwari, S/o. Shri Chakradhar Pd. Tiwari, Aged About 45 Years, Head Master, Primary School, Jail Para, Sarangarh, District Raigarh, Chhattisgarh.

2 - Jugeshwar Pd. Nandkar, S/o. Shri Bhagturam Nandkar, Aged About 45 Years, Head Master, Primary School, Bade Gantuli, Sarangarh, District Raigarh, Chhattisgarh.

3 - Narsingh Sidar, S/o. Shri Nanhuram Sidar, Aged About 46 Years, Head Master, Primary School, Kharri Chhote, Sarangarh, District Raigarh, Chhattisgarh.

4 - Shivkumar Swarnakar, S/o. Shri Deendayal Swarnakar, Aged About 49 Years, Head Master, Primary Govt. Girls School Rajapara, Sarangarh, District Raigarh, Chhattisgarh.

5 - Smt. Shika Singh, W/o. Shri Ghanshyam Singh, Aged About 39 Years, Head Master, Primary School, Bardarha Sarangarh, District Raigarh Chhattisgarh.

6 - Devcharan Prasad Sahu, S/o. Shri Shivprasad Sahu, Aged About 47 Years, Head Master, Primary School, Nekainhar Sarangarh, District Raigarh, Chhattisgarh.

7 - Gopesh Kumar Pandey, S/o. Shri Mahendranath Pandey, Aged About 48 Years, Head Master, Primary School Amlideepa, Sarangarh, District Raigarh, Chhattisgarh.

8 - Laxmi Bahadur Dewangan, S/o. Shri Shyamsunder Dewangan, Aged About 44 Years, Head Master, Primary School, Tengnapali, Sarangarh, District Raigarh, Chhattisgarh.

9 - Belas Kujur, S/o. Shri Laidan Kujur, Aged About 48 Years, Head Master, Primary School, Jalmala, Sarangarh, District Raigarh Chhattisgarh.

10 - Ashok Kumar Singh, S/o. Shri Nakched Singh, Aged About 49 Years, Head Master, Primary School, Rampur, Sarangarh, District Raigarh Chhattisgarh.

11 - Prahlad Patel, S/o. Shri Shyamlal Patel, Aged About 49 Years, Head Master, Primary School, Jhilitar, Sarangarh, District Raigarh, Chhattisgarh.

12 - Ramashankar Sahu, S/o. Shri Premlal Sahu, Aged About 47 Years, Head Master, Primary School, Saradih, Sarangarh, District Raigarh, Chhattisgarh.

13 - Rajesh Kumar Sahu, S/o. Shri Laxman Prasad Sahu, Aged About 46

Years, Head Master, Primary School, Singhanpur, Sarangarh, District Raigarh, Chhattisgarh.

14 - Lav Kumar Sahu, S/o. Shri Navdha Ram Sahu, Aged About 43 Years, Head Master, Primary School, Borida, Sarangarh, District Raigarh Chhattisgarh.

15 - Lochan Prasad Mehar, S/o. Shri Nohar Prasad Mehar, Aged About 44 Years, Head Master, Primary School, Kuraha, Sarangarh, District Raigarh, Chhattisgarh.

16 - Maniram Yadav, S/o. Shri Motiram Yadav, Aged About 49 Years, Head Master, Primary School, Chantipali, Sarangarh, District Raigarh Chhattisgarh.

17 - Ravishankar Tiwari, S/o. Shri Rajendra Prasad, Aged About 47 Years, Head Master, Primary School, Gopal Mouna, Sarangarh, District Raigarh, Chhattisgarh.

18 - Shobharam Laxme, S/o. Shri Ghasidas Laxme, Aged About 51 Years, Head Master, Primary School, Chatauna, Sarangarh, District Raigarh, Chhattisgarh.

19 - Cheduram Chouhan, S/o. Shri Sonoram Chouhan, Aged About 51 Years, Head Master, Primary School, Pachpedi, Sarangarh, District Raigarh, Chhattisgarh.

20 - Jayant Kumar Patel, S/o. Shri Avadhram Patel, Aged About 48 Years, Head Master, Primary School, Tamandih, Sarangarh, District Raigarh, Chhattisgarh.

21 - Rajendra Prasad Manthan, S/o. Shri Shivlal Manthan, Aged About 49 Years, Head Master, Primary School, Nandeli, Sarangarh, District Raigarh, Chhattisgarh.

22 - Smt. Hemlata Kujur, W/o. Shri Nimkumar, Aged About 48 Years, Head Master, Primary Govt. Girls School, Ulkhar Sarangarh, District Raigarh, Chhattisgarh.

23 - Smt. Ranjna Toppo, W/o. Shri Kuldeep Toppo, Aged About 44 Years, Head Master, Primary School, Limbhata Sarangarh, District Raigarh, Chhattisgarh.

24 - Asaf Minj, S/o. Shri Vishram Minj, Aged About 47 Years, Head Master, Primary School, Mungahpara Sarangarh, District Raigarh, Chhattisgarh.

25 - Muritram Mahilane, S/o. Shri Amarsai Mahilane, Aged About 44 Years, Head Master, Primary School, Tadipar, Sarangarh, District Raigarh, Chhattisgarh.

26 - Deenanath Patel, S/o. Shri Madulal Patel, Aged About 52 Years, Head Master, Primary School, Machghoda Sarangarh, District Raigarh, Chhattisgarh.

27 - Naresh Kumar Kaiwarth, S/o. Shri Panchram Kaiwarth, Aged About 50 Years, Head Master, Primary School, Tedinala, Sarangarh, District Raigarh, Chhattisgarh.

28 - Umashankar Anant, S/o. Shri Brijlal Anant, Aged About 44 Years,

Head Master, Primary School, Machladih, Sarangarh, District Raigarh Chhattisgarh.

29 - Parmanand Patel, S/o. Shri Bahatram Patel, Aged About 48 Years, Head Master, Primary School, Boirmal, Sarangarh, District Raigarh Chhattisgarh.

30 - Smt. Sunita Tirki, W/o. Shri Kuldeep Tirki, Aged About 46 Years, Head Master, Primary School, Patelpali, Sarangarh, District Raigarh Chhattisgarh.

31 - Vishwanath Kurre, S/o. Shri Shambhuram Kurre, Aged About 45 Years, Head Master, Primary School Achanakpali Sarangarh, District Raigarh, Chhattisgarh.

32 - Lalsai Chouhan, S/o. Shri Samaruram Chouhan, Aged About 46 Years, Head Master, Primary School, Ulkhar Sarangarh, District Raigarh Chhattisgarh.

33 - Manoj Kumar Bhagat, S/o. Shri Ravindra Prasad Bhagat, Aged About 43 Years, Head Master, Primary School, Khairjhiti Sarangarh, District Raigarh, Chhattisgarh.

34 - Smt. Satya Ijardhar, W/o. Shri Vijay Ijardhar, Aged About 46 Years, Head Master, Primary School, Kamlanagar Sarangarh, District Raigarh, Chhattisgarh.

35 - Dileshwar Pd Moriya, S/o. Shri Bhagirathi Moriya, Aged About 50 Years, Head Master, Primary School, Kapisda - B Sarangarh, District Raigarh, Chhattisgarh.

36 - Amritlal Jhangde, S/o. Shri Jugutram Jhangde, Aged About 55 Years, Head Master, Primary School, Kansa Sarangarh, District Raigarh Chhattisgarh.

37 - Smt. Vimla Yadav, W/o. Shri Shyamsunder Yadav, Aged About 54 Years, Head Master, Primary School, Pratapganj Sarangarh, District Raigarh, Chhattisgarh.

38 - Sethram Sarthi, S/o. Shri Ushram Sarthi, Aged About 52 Years, Head Master, Primary School, Chichpani Sarangarh, District Raigarh Chhattisgarh.

39 - Jeevan Chouhan, S/o. Shri Anandram Chouhan, Aged About 51 Years, Head Master, Primary School, Dalparpali Sarangarh, District Raigarh, Chhattisgarh.

40 - Unmesh Swarnakar, S/o. Shri Umashankar Swarnakar, Aged About 47 Years, Head Master, Primary School, Bhikampura Sarangarh, District Raigarh, Chhattisgarh.

41 - Chandrashekar Patel, S/o. Shri Nayran Patel, Aged About 46 Years, Head Master, Primary School, Rayagula Sarangarh, District Raigarh, Chhattisgarh.

42 - Vipin Kishore Manhar, S/o. Shri Nandlal Manhar, Aged About 47 Years, Head Master, Primary School, Dalal Sarangarh, District Raigarh, Chhattisgarh.

43 - Ashish Vishwas, S/o. Shri Avni Kumar, Aged About 49 Years, Head Master, Primary School, Boro Dharamjaigarh, District Raigarh,

Chhattisgarh.

44 - Krishna Kanhaiyya Nayak, S/o. Shri Thakurram Nayak, Aged About 54 Years, Head Master, Primary School, Naraitikra Sarangarh, District Raigarh, Chhattisgarh.

45 - Ravishankar Bharadwaj, S/o. Shri Rajaram Bharadwaj, Aged About 53 Years, Head Master, Primary School, Barpali Pussaur, District Raigarh, Chhattisgarh.

46 - Gulabram Soni, S/o. Shri Shivcharan Prasad, Aged About 44 Years, Head Master, Primary School, Chiraipani East Sarangarh, District Raigarh, Chhattisgarh.

47 - Smt. Kanchanlata Mehar, W/o. Shri Kunjbihari Mehar, Aged About 49 Years, Head Master, Primary School, Turkumuda Pussour, District Raigarh, Chhattisgarh.

48 - Smt. Gouri Mohanti, W/o. Shri Sushant Kumar, Aged About 44 Years, Head Master, Primary School Bhupdevpur, District Raigarh, Chhattisgarh.

49 - Devlal Patel, S/o. Shri Shyamlal Patel, Aged About 49 Years, Head Master, Primary School, Gatewani, District Raigarh, Chhattisgarh.

50 - Padamlochan Patel, S/o. Shri Laxmanji Patel, Aged About 44 Years, Head Master, Primary School, Barpali, District Raigarh, Chhattisgarh.

51 - Nirakar Patel, S/o. Shri Babulal Patel, Aged About 54 Years, Head Master, Primary School, Panjhar, Raigarh, District Raigarh, Chhattisgarh.

52 - Chandrajeet Patel, S/o. Shri Shivprasad Patel, Aged About 44 Years, Head Master, Primary School Urdana, District Raigarh, Chhattisgarh.

53 - Lekhram Patel, S/o. Shri Roopchand Lal, Aged About 44 Years, Head Master, Primary School, Amlibhona, District Raigarh, Chhattisgarh.

54 - Ramadhar Ratre, S/o. Shri Nakched Ram, Aged About 53 Years, Head Master, Primary School, Pandripani, District Raigarh, Chhattisgarh.

55 - Bharatlal Dansena, S/o. Shri Banshilal Dansena, Aged About 50 Years, Head Master, Primary School, Junwani, District Raigarh, Chhattisgarh.

56 - Ashish Sharma, S/o. Shri Rajendra Prasad Sharma, Aged About 40 Years, Head Master, Primary School, Lakha, District Raigarh, Chhattisgarh.

57 - Ramprasad Behra, S/o. Shri Ganpat Prasad, Aged About 41 Years, Head Master, Primary School, Sangitai, District Raigarh, Chhattisgarh.

58 - Damodhar Prasad Patel, S/o. Shri Shivnandan Patel, Aged About 48 Years, Head Master, Primary School, Sardamal, District Raigarh, Chhattisgarh.

59 - Sanjiv Kumar Sethi, S/o. Shri Subhashchandra Sethi, Aged About 46 Years, Head Master, Primary School, Jhalguda, District Raigarh, Chhattisgarh.

60 - Madanlal Patel, S/o. Shri Bhagirathi Patel, Aged About 51 Years, Head Master, Primary School, Lamidarha, District Raigarh, Chhattisgarh.

61 - Janakram Bhoi, S/o. Shri Krishnachand Bhoi, Aged About 52 Years, Head Master, Primary School, Ambedkar Awas, District Raigarh, Chhattisgarh.

62 - Santosh Kumar Rathiya, S/o. Shri Tandaram Rathiya, Aged About 46 Years, Head Master, Primary School, Regda, District Raigarh, Chhattisgarh.

63 - Madhavram Sidar, S/o. Shri Sudayar Sai Sidar, Aged About 48 Years, Head Master, Primary School, Bade Rampur, District Raigarh, Chhattisgarh.

64 - Anandpal Minj, S/o. Shri Dhanviraj Minj, Aged About 48 Years, Head Master, Primary School, Goverdhanpur, District Raigarh, Chhattisgarh.

65 - Niraj Choudhary, S/o. Shri Banshidhar Choudhary, Aged About 47 Years, Head Master, Primary School, Jampali Pussour, District Raigarh, Chhattisgarh.

66 - Madhav Singh, S/o. Shri Laxman Singh, Aged About 49 Years, Head Master, Primary School, Sambalpuri, District Raigarh, Chhattisgarh.

67 - Jagarnath Tiger, S/o. Shri Roopsai, Aged About 48 Years, Head Master, Primary School, Nawapara, Sarangarh, District Raigarh, Chhattisgarh.

68 - Fool Singh Rathiya, S/o. Shri Lakched Ram, Aged About 48 Years, Head Master, Primary School Sugargunda- 2, Sarangarh, District Raigarh, Chhattisgarh.

69 - Rakesh Poddar, S/o. Shri Parmanand Ram, Aged About 48 Years, Head Master, Naveen Prathamik Shala Dipapara Hatpali, District Raigarh, Chhattisgarh.

70 - Shashikant Gupta, S/o. Shri Ramdutt Gupta, Aged About 45 Years, Head Master, Primary School, Bankheta, District Raigarh, Chhattisgarh.

71 - Narayan Prasad Patel, S/o. Shri Sheetal Prasad Patel, Aged About 47 Years, Head Master, Primary School, Ghotla Bade, District Raigarh, Chhattisgarh.

72 - Naresh Nayak, S/o. Shri Ghasiram Nayak, Aged About 41 Years, Head Master, Primary School, Dhanaghar, District Raigarh, Chhattisgarh.

73 - Dilip Kumar Khakha, S/o. Shri Samuel Khakha, Aged About 43 Years, Head Master, Primary School, Semipali Dharamjaigarh, District Raigarh, Chhattisgarh.

74 - Jai Krishna Mehar, S/o. Shri Gourishankar Mehar, Aged About 53 Years, Head Master, Primary School, Dipapara Kandagarh Pussour, District Raigarh, Chhattisgarh.

75 - Khageshwar Prasad Sahu, S/o. Shri Chamra Ram Sahu, Aged About 42 Years, Head Master, Primary School, Kalarmuda, Raigarh, District Raigarh, Chhattisgarh.

... Petitioners

versus

1 - State Of Chhattisgarh, Through The Secretary, Education Department, Mantralaya, Atal Nagar, District Raipur, Chhattisgarh.

2 - The Director, Public Instruction, Directorate, Indirawati Bhawan, Atal Nagar, Raipur, District : Raipur, Chhattisgarh

3 - The District Education Officer, Raigarh, District Raigarh, Chhattisgarh.

4 - The District Education Officer, Balodabazar, District Balodabazar-Bhatapara, Chhattisgarh.

... Respondents

For Petitioners : Mr. Prafull N. Bharat, Senior Advocate with
Mr. Harshal Chouhan, Advocate

For Respondents : Mr. Sharad Mishra, Panel Lawyer

(Single Bench)

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

18.08.2026

1. The petitioners have filed this writ petition against the order dated 22.11.2019 by which it was ordered that the petitioners are not entitled for two advance increment, as they have been appointed after 16.06.1993, which is unsustainable and bad in law.
2. Mr. Prafull N. Bharat, learned senior counsel assisted by Mr. Harshal Chouhan, learned counsel for the petitioners, would submit that the impugned order is unsustainable and bad in law, therefore, it deserves to be set aside.

3. Mr. Sharad Mishra, learned State counsel, would submit that similar issue was considered by a coordinate Bench of this Court in WPS No.2051/2017 (Smt. Neelam Dubey v. State of Chhattisgarh and others), decided on 25-4-2024, and the writ petition has been dismissed against which Smt. Neelam Dubey, the petitioner therein, filed writ appeal being WA No.501/2024, which was also dismissed by the writ appeal court on 9-8-2024 and thereafter, she filed SLP before the Supreme Court against the order of the Division Bench which was also dismissed by the Supreme Court by order dated 2-7-2025 passed in SLP (Civil) Diary No.24106/2025. As such, the finding of the learned Single Judge that the petitioner therein is not entitled for two advance increments in lieu of obtaining the degree of D.Ed. has become final and therefore the present writ petition is liable to be dismissed.
4. I have heard learned counsel for the parties and considered their rival submissions made herein-above and also gone through the material available on record with utmost circumspection.
5. In WPS No.2051/2017, the following was the question placed for consideration before the learned Single Judge: -
 - “1. This petition has been filed by the petitioner for grant of two advance increments in lieu of acquiring B.Ed. Certificate at her own expenses prior to joining in service on the post of Assistant Teacher as also to quash the order dated 1.12.2016 (Annexure P/8), whereby, the

State has denied the said benefit to the persons who were appointed after 16.6.1993.”

6. After due consideration, the learned Single Judge dismissed the writ petition by observing as under: -

“7. The Recruitment Rules namely Madhya Pradesh Non-Gazetted Class III Education Service (Non-Collegiate Services) Recruitment and Promotion Rules, 1973 have been amended on 16.6.1993 and earlier, D.Ed./B.Ed/BTI were not the necessary qualifications for appointment as Teachers/Assistant Teachers/Lecturers. Admittedly, the petitioner was appointed on 27.1.1994 (Annexure P/2). In clause 6 of the said Appointment Order, it has been categorically mentioned that B.Ed./D.Ed./BTI were the necessary qualifications. In order to benefit the highly qualified teachers, who had obtained D.Ed./B.Ed/BTI at their own expenses, the State has formulated a Policy vide Circular dated 6.2.2007 for grant of two advance increments to them and after the amendment, the said qualifications were made necessary and prescribed as minimum qualification required for appointment on the post of Teacher. The State Government has not extended the benefit of two advance increment in lieu of passing the B.Ed./D.Ed./BTI Examination at their own expenses to those teachers who have been appointed after the said amendment i.e. 16.6.1993 and accordingly, the Circular/order dated 1.12.2016 has been issued, whereby, the Circulars dated 6.2.2007 and 12.3.2007 were set-aside.

8. In the second round of litigation i.e. in a bunch of Writ Appeals i.e. WA No.105/2014 and other connected Appeals, preferred by the State, in para 9 & 10 of the order dated 4.4.2014 (Annexure P/9), the said issue has been examined and in para 10, it has been categorically observed that the cut off date of appointment i.e. prior to 16.6.1993 mentioned in the first part of the Circular

dated 6.2.2007 appears to be quite justified. So there is a rationality in the decision taken by the State Government as after the amendment, the qualification of B.Ed/D.Ed./BTI became necessary qualifications to get appointment on the said posts, however, earlier, the same were not necessary qualifications.

9. For the foregoing, this Court is of the view that merely because after the order passed by this Court on 4.4.2014 in WA No 104/2014 and other connected Appeals, respondents 5 & 6 have been awarded two advance increments, the petitioner cannot claim negative parity for grant of benefit which has been extended to them. The concept of equality as envisaged under Article 14 of the Constitution is a positive concept which cannot be enforced in a negative manner. Further, it is trite law that right to equality under Article 14 is not in negative terms.”

7. Thus, the learned Single Judge has dismissed the writ petition against which the petitioner therein preferred writ appeal and the Division Bench of this Court while affirming the order passed by the learned Single Judge has dismissed the writ appeal by recording finding as under: -

“9. From perusal of the impugned order, it transpires that the learned Single Judge has dismissed the writ petition i.e. WPS No.2051 of 2005 vide order dated 25.04.2024, observing that The Recruitment Rules namely Madhya Pradesh Non-Gazetted Class III Education Service (Non-Collegiate Services) Recruitment and Promotion Rules, 1973 have been amended on 16.6.1993 and earlier, D.Ed./B.Ed/BTI were not the necessary qualifications for appointment as Teachers/Assistant Teachers/Lecturers. Admittedly, the writ petitioner was appointed on 27.1.1994. In clause 6 of the said Appointment Order, it has been categorically

mentioned that B.Ed./ D.Ed./BTI were the necessary qualifications. In order to benefit the highly qualified teachers, who had obtained D.Ed./ B.Ed/BTI at their own expenses, the State has formulated a Policy vide Circular dated 6.2.2007 for grant of two advance increments to them and after the amendment, the said qualifications were made necessary and prescribed as minimum qualification required for appointment on the post of Teacher. The State Government has not extended the benefit of two advance increment in lieu of passing the B.Ed./D.Ed./BTI Examination at their own expenses to those teachers who have been appointed after the said amendment i.e. 16.6.1993 and accordingly, the Circular/order dated 1.12.2016 has been issued, whereby, the Circulars dated 6.2.2007 and 12.3.2007 were set-aside. Further, in the second round of litigation i.e. in a bunch of Writ Appeals i.e. WA No.105/2014 and other connected Appeals, preferred by the State, in para 9 & 10 of the order dated 4.4.2014, the said issue has been examined and in para 10, it has been categorically observed that the cut off date of appointment i.e. prior to 16.6.1993 mentioned in the first part of the Circular dated 6.2.2007 appears to be quite justified. So there is a rationality in the decision taken by the State Government as after the amendment, the qualification of B.Ed/ D.Ed./BTI became necessary qualifications to get appointment on the said posts, however, earlier, the same were not necessary qualifications. Learned Single Judge further held that merely because after the order passed by this Court on 4.4.2014 in WA No 104/2014 and other connected Appeals, respondents 5 & 6 have been awarded two advance increments, the writ petitioner cannot claim negative parity for grant of benefit which has been extended to them. The concept of equality as envisaged under Article 14 of the Constitution is a positive concept which cannot be enforced in a negative manner. Further, it is trite law that right to equality under Article 14 is not in negative terms and accordingly,

dismissed the writ petition filed by the writ petitioner / appellant herein.”

8. Against the dismissal of writ appeal, an SLP was preferred by Neelam Dubey and the same has also been dismissed by the Supreme Court on 2-7-2025 by holding as under: -

“We are not inclined to interfere with the impugned judgment and order passed by the High Court. Hence, the Special Leave Petition is dismissed.”

9. As such, this Court in Single Bench has clearly held that prior to appointment in service on the post of Assistant Teacher, the persons who were appointed after 16-6-1993 would not be entitled for the benefit of two advance increments in lieu of acquiring B.Ed./D.Ed. Certificate on their own expenses. The said finding has been affirmed by the Division Bench of this Court in writ appeal and further by the Supreme Court in SLP.
10. This Court in WPS No.2051/2017, has also considered the order dated 1-12-2016 which was also questioned by the petitioner therein and thereafter, the writ petition was dismissed and writ appeal against that order has also been dismissed which was affirmed in SLP by the Supreme Court. Therefore, it will not be appropriate to entertain the present writ petition in view of the decision passed by this Court in writ petition as also in writ appeal and thereafter in SLP by the Supreme Court.

11. As such, in view of the aforesaid finding of this Court and the Supreme Court, I am not inclined to entertain this writ petition. I do not find any merit in this writ petition, it deserves to be and is accordingly dismissed leaving the parties to bear their own cost(s).

Ashok

Sd/-
(Sanjay K. Agrawal)
Judge