

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 6140 OF 2016

Udhav Bhalchandra Tamboli,
Age : 63 years, Occu. Retired,
R/o 16, Sangam Colony,
Korit Road, Nandurbar,
District Nandurbar

PETITIONER

VERSUS

1. The State of Maharashtra,
through the Secretary,
School Education & Sports Department,
Mantralaya, Mumbai-32
2. The Director of Education
(Secondary and Higher Secondary),
Maharashtra State, Pune
3. Dy. Director of Education,
Nasik Division, Nasik
4. Education Officer (Secondary),
Zilla Parishad, Nandurbar
5. The Secretary,
Nandurbar Education Society,
through Head Master,
D.R. High School,
Pardeshipura, Nandurbar,
District Nandurbar

RESPONDENTS

Mr. P.B. Patil, Advocate for the Petitioner
Mr. P.N. Kutti, A.G.P. for respondent Nos. 1 to 4

CORAM : S.S. SHINDE AND
SANGITRAO S. PATIL, JJ.

DATE : 9th AUGUST, 2016

PER COURT :

Rule. Rule made returnable forthwith. With the consent of the learned counsel for the petitioner and the learned A.G.P., heard finally.

2. The learned counsel for the petitioner invited our attention to the letter dated 7th February, 2015, which is impugned in this petition, written by respondent No. 3 – the Deputy Director of Education, Nasik Division, Nasik to respondent No. 5 school. Upon careful perusal of the contents of the impugned letter, it appears that vide letter dated 14th January, 2011, it was communicated by the office of the Director of Secondary and Higher Secondary, Maharashtra State, Pune to the office of the Deputy Director of Education, Nasik not to give two advance increments to the teachers who are State Awardees and therefore, it was informed by the impugned communication that the decision on the proposal for grant of such benefit cannot be taken at present and will be taken as and when the instructions in this regard will be received from the office of the Director of Secondary and Higher Secondary, Maharashtra State,

Pune.

3. The learned A.G.P. tenders across the bar the copy of the Government Resolution dated 1st February, 2016, issued by the School Education and Sports, Department, Government of Maharashtra, Mantralaya, Mumbai and submits that by way of issuing the said Resolution, it is made clear that the Government Resolution dated 4th September, 2014, issued by the said Department is made applicable prospectively and not with retrospective effect. He further submits that the said Govt. Resolution has clarified that the teachers who are the State/National Awardees during the period 2005-06 to 2012-13 will be entitled for grant of two advance increments. The learned A.G.P., therefore, submits that this Court may pass the appropriate order.

4. Upon hearing the learned counsel for the petitioner and the learned A.G.P. for the State and in particular upon going through the Govt. Resolution dated 1st February, 2016, it is abundantly clear that the State Government, by the said Govt. Resolution, has clarified that the teachers who have been declared as the State

Awardee teachers during the period 2005-06 to 2012-13, will be entitled for grant of two advance increments. The petitioner has been declared as State Awardee on 5th September, 2012. Therefore, the case of the petitioner is clearly covered by the said Govt. Resolution dated 1st February, 2016.

5. In the circumstances, we direct respondent No. 4 – the Education Officer (Secondary), Zilla Parishad, Nandurbar to take decision as regards grant of two advance increments to the petitioner, in the light of the above Govt. Resolution dated 1st February, 2016, as expeditiously as possible; however within a period of four weeks from today. If the decision is taken in favour of the petitioner, respondent No. 2 shall ensure that the petitioner receives the benefit of grant of two advance increments, within a period of eight weeks thereafter. The entire exercise shall be completed by respondent Nos. 3 and 4 within a period of twelve weeks from today.

6. The writ petition stands disposed of in the above terms. Rule is made absolute accordingly.

6. The parties to act on authenticated copy of this order.

[SANGITRAO S. PATIL]
JUDGE

[S.S. SHINDE]
JUDGE

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