

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION NO. 1867 OF 2014

Ramchandra Ramavadh	}	
Pandey and Anr.	}	Petitioners
versus		
Municipal Corporation of	}	
Greater Mumbai	}	Respondents

Mr. Mihir Desai – Senior Advocate with
Mr. Chetan Mali for the petitioners.

Mr. H. C. Pimple for the Respondent.

**CORAM :- S. C. DHARMADHIKARI &
B. P. COLABAWALLA, JJ.**

DATED :- NOVEMBER 18, 2016

P.C. :-

1. The petitioners, at the relevant time, worked as Inspectors (School). They acquired qualification of M.Ed. Therefore, they were entitled to two additional increments as was mentioned in the circular, copy of which is at Annexure 'B' to the petition. Both the petitioners were appointed, according to them, as trained teachers in Municipal service and thereafter they were appointed as Inspectors (School). During the time when they were teachers, they had been given an increment as they had qualified by passing B. Ed. examination and that benefit was not carried forward when they became Education Inspectors. The

appointment, according to them, as Education Inspectors, is made in-service employees or of a person appointed directly. Such persons, who were appointed directly as Education Inspectors, were given two additional increments, if they had M. Ed. qualification. Though the petitioners were appointed through direct competition as Inspectors (School), these increments having been denied, this writ petition.

2. We have heard Mr. Desai appearing for the petitioners and Mr. Pimple for the Corporation. Mr. Pimple invites our attention to page 88 of the paper book to submit that though the scheme was in force for sometime, by the further circular dated 24th September, 2003, that scheme has been withdrawn. The scheme of granting additional increments was experimental in nature and therefore, there cannot be a writ issued to make it applicable to the petitioners and that too after they have retired from services.

3. We do not think that we are required to express any opinion for it is entirely for the Corporation to decide as to whether when the scheme was in force, can the petitioners be held to be entitled to the additional increments on the basis of their improved qualification and considering their grievance that the others, who were appointed and joined as as Inspectors, were granted these

increments. These outsiders, who were granted the benefit after they obtained M. Ed. Qualification, but the petitioners are excluded therefrom and that is injustice is the essential grievance. That will have to be considered by the Corporation irrespective of the fact that at a subsequent stage, the scheme itself has been stopped. Whether during the relevant time the petitioners were entitled to the benefit thereof or not is the issue and we, therefore, dispose of this writ petition by directing the Deputy Commissioner (Education) of the Municipal Corporation to treat this writ petition as a representation of the two petitioners and a request to grant the additional increments. He shall pass a reasoned order on this request/representation within a period of two months from the date of receipt of a copy of this order.

4. With the aforesaid directions, the writ petition is disposed of.

(B.P.COLABAWALLA, J.) (S.C.DHARMADHIKARI, J.)