

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

25 WRIT PETITION NO. 8717 OF 2014

DHONDIBA KHOBRAJI ZADE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioner : Mr. Sunil M. Vibhute
AGP for Respondents: Mr. S.B. Yawalkar
...

CORAM : R.M. BORDE &
K.K. SONAWANE, JJ.

DATE : 20th February, 2018.

PER COURT:-

1] The petitioner is praying for issuance of directions to the respondents to grant an advance increment to the petitioner, since he is conferred with an award known as “Zilla Shikshak Puraskar”.

2] The scheme formulated by the Rural Development and Water Conservation Department, according to the respondent, is restricted to those teachers who are working in the Zilla Parishad schools. Though the petitioner is conferred with “Zilla Shikshak Puraskar”, since he is an employee of a private institution, he cannot claim any benefit under the circular dated 12/12/2000. The petitioner derives financial benefits from the Education Department of the State Government. The scheme formulated by Rural Development and Water Conservation Department of the State of Maharashtra confers the benefit of an advance increment to such

teachers who are recipient of “Zilla Shikshak Puraskar” functioning in the Zilla Parishad Schools. The benefit of an advance increment has not been conferred upon the teachers functioning in private schools in past. The teachers functioning in private schools receive their salaries as their service conditions are regulated by the Education Department of State Government. The circular dated 12/12/2000, on which reliance is placed by the petitioner has not been issued in concurrence with the Education Department of the State Government. The petitioner has also not alleged any discrimination in the matter of conferment of benefit relating to the payment of an advance increment. It has not been demonstrated that any other teacher appointed in private school in the District or State who has been conferred with the designation as “Zilla Shikshak Puraskar” has been conferred with financial benefits of payment of an advance increment. The stand taken by the respondents that the benefit under the circular are receivable by the teachers functioning in the Zilla Parishad Schools appear to be reasonable and proper. It is a matter of dispute that the teachers who are conferred with “Zilla Shikshak Puraskar” are entitled to get benefit irrespective of the fact whether they function in Zilla Parishad school or private school.

3] The scheme formulated by the Rural Development and Water Conservation Department is required to be implemented by the Zilla Parishads out of the funds of the said local authority. In this view of the matter, the petitioner cannot claim the benefit under the circular issued by the Rural Development Department on 12/12/2000. If at all there occurs any

change in the policy and if it applies retrospectively, it would be open for the petitioner to claim the benefit.

4] For the reasons recorded above, no interference is warranted in exercise of the writ jurisdiction under article 226 of the Constitution of India. Writ petition being devoid of any substance, stands rejected.

[K.K.SONAWANE, J]

[R.M. BORDE, J]

grt/-