

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
1108 WRIT PETITION NO.7398 OF 2019**

SURESH JAYWANTRAO MUPADE

..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

...

Mr. Sandeep B. Sontakke, Advocate for the Petitioner.

Mr. P. G. Borade, AGP for Respondents-State.

Mr. S. B. Pulkundwar, Advocate for Respondent Nos.2 and 4.

...
**CORAM : S. V. GANGAPURWALA &
ANIL S. KILOR, JJ.**

DATED : 27th SEPTEMBER, 2019.

PER COURT:-

1. It is submitted that the petitioner is issued with the district awardee teachers certificate in the year 2008. The impugned order is claiming recovery on account of petitioner not having passed MS-CIT within stipulated period and also on the ground that the petitioner is not entitled for the benefit of district awardee teachers certificate. The recovery is also claimed and the amount of Rs.10/- per month paid to the petitioner is recovered on the ground of wrong pay fixation.

2. As far as MS-CIT is concerned, the respondent has itself taken decision not to claim recovery on the ground of MS-CIT. The fact that the petitioner has not cleared MS-CIT within stipulated period. As far as district awardee

teacher is concerned, we have absorbed in catena of judgments that the Government Resolution cannot have a retrospective effect and as far as recovery on account of wrong pay fixation that is Rs.10/- per month is concerned, the recovery is more than five years prior to the order being passed and the same was not at the fault of the petitioner.

3. We have also heard Mr. Pulkundwar, learned A.G.P. and he submits that the impugned order is rightly passed by the Authority.

4. If any recovery is claimed, the same shall be refunded to the petitioner within a period of four months.

5. Writ Petition is disposed of. No costs.

(ANIL S. KILOR)
JUDGE

(S. V. GANGAPURWALA)
JUDGE