

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 7662 OF 2019

SIDDIQUI MADHAT SULTANA
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioner : Mr. Murge Estling S.
AGP for Respondents No. 1 & 3 : Mr. R. B. Bagul
Advocate for Respondents No. 2 :
Mr. K. B. Jadhavar

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CORAM: S. V. GANGAPURWALA &
MANGESH S. PATIL, JJ.

DATE: 25th JUNE, 2019

PER COURT:

1. We have heard learned counsel for the petitioner, learned A.G.P. and learned counsel for the Zilla Parishad.

2. Learned counsel for the petitioner submits that the petitioner is the District awardee teacher prior to 04/09/2018.

3. For the first time additional increment was given to the District awardee teachers under

Government Resolution dated 12/12/2000. Pursuant thereto, additional increments as per the said Government Resolution were given.

4. There are other categories of awardee teachers such as State awardee teachers, National awardee teachers and the award being given for excellent/outstanding work. In the present case, we are concerned only with the District awardee teachers.

5. Upon perusal of various Government Resolutions placed on record, it does not appear that prior to the Government Resolution dated 04/09/2018, there was any Government Resolution taking away benefit of the additional increment given to District awardee teachers. Of course, now, no District awardee teacher would be entitled for the benefit in view of the Government Resolution dated 04/09/2018. However, Government Resolution dated 04/09/2018 cannot be given retrospective effect.

6. Government Resolution relied by the learned counsel for the Zilla Parishad viz. Government Resolution dated 27/02/2009 is general in nature. It only states that the committee formed by the Government has made recommendation and the same is to be accepted with certain modifications. Under the Government Resolution dated 24/08/2017, Government has taken decision that the benefit of advance increment would not be available to those who were granted certificate of excellent work. It is under the Government Resolution dated 04/09/2018 now the benefit of additional increment to the District awardee teachers can not be given.

7. However, all those who were granted certificate of District awardee teacher prior to 04/09/2018 can not be denied the said benefit of additional increment.

8. In light of the above, we pass following order.

ORDER

The respondent / Zilla Parishad after confirming that the petitioner being District awardee teacher and awarded certificate prior to 04/09/2018 shall consider the case of the petitioner for additional increment as is laid down under the Government Resolution dated 12/12/2000. The same shall be considered on its own merits, expeditiously and preferably within a period of six (06) months.

9. Writ Petition is disposed of accordingly. No costs.

[MANGESH S. PATIL, J.]

[S. V. GANGAPURWALA, J.]

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