

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 8744 OF 2019

BHASKAR TUKARAM PATHADE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioner : Mr. Murge Estling S
AGP for Respondent No. 1 : Mr. P. G. Borade
Advocate for Respondents No. 2 & 3 :
Mr. P. P. Dama

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WRIT PETITION NO.8748 OF 2019

DATTATRAYA MAHADEV YADAV AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH SECRETARY AND
OTHERS

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Advocate for Petitioner : Mr. Murge Estling S
AGP for Respondent No. 1 : Mr. P. G. Borade
Advocate for Respondents No. 2 & 3 :
Mr. A. D. Aghav

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WRIT PETITION NO.8802 OF 2019

KRISHNA VINAYAK GOPHANE AN OTHERS
VERSUS
THE STATE OF MAHARASHTRA AD OTHERS

...

Advocate for Petitioner : Mr. Murge Estling S
AGP for Respondent No. 1 : Mr. P. G. Borade
Advocate for Respondents No. 2 & 3 :
Mr. P. P. Dama

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**CORAM: S. V. GANGAPURWALA &
MANGESH S. PATIL, J.**

DATE: 18th JULY, 2019

PER COURT:

1. We have heard learned counsel for petitioners, learned A.G.P. and learned counsel for respective Zilla Parishads.

2. Learned counsel for the petitioners submits that all the petitioners in these writ petitions are the District awardee teachers 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 cases, 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 can not be given retrospective effect.

6. Government Resolution relied by the learned counsel for Zilla Parishads viz. Government Resolution dated 27/02/2009 is general in nature. It only states that the committee formed by the Government has made recommendations 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 teacher 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.

9. The respondents / Zilla Parishads after confirming themselves of the petitioners being District awardee teachers and awarded certificate prior to 04/09/2018 shall individually consider the case of the petitioners 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.

10. Writ Petitions are disposed of accordingly.
No costs.

[MANGESH S. PATIL, J.] [S. V. GANGAPURWALA, J.]

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