IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

927 WRIT PETITION NO.8140 OF 2019

SOMNATH DHONDIRAM MANDALKAR AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS
...
Advocate for Petitioners : Murge Estling S
AGP for Respondents: S.B.Yawalkar
Adv.A.D.Aghav for R.2 and 3.

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

DATE : 04/07/2019

PER COURT :

We have heard learned counsel for petitioners, learned Assistant Government Pleaders in respective writ petitions and learned counsel for Ahmednagar Zilla Parishad.

2] Learned counsel for 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 Govt. Resolution dated 12/12/2000. Pursuant thereto, additional increments as per the said Govt. 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 Govt. Resolutions placed on record, it does not appear that prior to the Govt. Resolution dated 04/09/2018, there was any Govt. 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 Govt. Resolution dated 04/09/2018. However, Govt. Resolution dated 04/09/2018 can not be given retrospective effect.

6] Govt. Resolution relied by the learned counsel for the respondent/Zilla Parishad viz. Govt. Resolution dated 27/02/2009 is general in nature. It only states that the committee formed by the Govt. has made recommendation and the same is to be accepted with certain modifications. Under the Govt. Resolution dated 24/08/2017, Govt. 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 Govt. 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 the following order.

ORDER

A. The respondent Nos. 2 and 3 / Zilla Parishad 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 Govt. Resolution dated 12/12/2000. The same shall be considered on its own merits expeditiously preferably within a period of six (06) months from today.

B. The writ petition is disposed of accordingly. No costs.

(MANGESH S. PATIL,J.) **(S.V.GANGAPURWALA,J.)**

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