

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

46 WRIT PETITION NO.11703 OF 2019

BABU HARISINGH PAWAR AND OTHERS
VERSUS
THE STATE OF MAHRASHTRA AND OTHERS
WITH

79 WRIT PETITION NO.11737 OF 2019
SUNIL BHIMASHANKAR MULE AND OTHERS
VERSUS

THE STATE OF MAHRASHTRA AND OTHERS
WITH

80 WRIT PETITION NO.11738 OF 2019

TATYARAM BANSI PHULE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioners : Mr Mathpati Shivkumar K
AGP for Respondents State: Mr S. K. Tambe
Advocate for Respondents 6 & 7: Mr P P Dama

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

DATE : 24th September, 2019

ORDER:

1. Mr. Dama, learned counsel accepts notice for respondent Nos. 6 and 7 and learned AGP accepts notice for the respondents-State.

2. We have heard learned counsel for petitioners, learned A.G.P. and learned counsel for the Zilla Parishad.

3. Learned counsel for petitioners submits that the petitioners are the District Awardee teacher prior to 04/09/2018.

4. 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 Government Resolution were given.

5. 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.

6. 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, Govt. Resolution dated 04/09/2018 can not be given retrospective effect.

7. Government Resolution relied by the learned counsel for Zilla Parishad viz. Govt. 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 Govt.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.

8. 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.

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

ORDER

The respondent/Zilla Parishad after confirming themselves of the petitioners being District awardee teachers and awarded certificate prior to 04/09/2018, shall 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 preferably within a period of six months.

10. Writ Petitions disposed of accordingly.

(ANIL S. KILOR, J.)

(S.V.GANGAPURWALA, J.)