

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 3083 OF 2018

HUSAIN ISMAIL SHAIKH AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioners : Mr. Biradar R. D.

AGP for Respondents No. 1 to 5 :

Mr. S. G. Karlekar

Advocate for Respondent No. 6 : Mr. A. V. Hon

...

CORAM: S. V. GANGAPURWALA &
A. M. DHAVALA, JJ.

DATE: 11th FEBRUARY, 2019

PER COURT :

1. We have heard learned counsel for petitioners, learned Assistant Government Pleader and learned counsel for Zilla Parishad.

2. Learned counsel for petitioners submits that all the petitioners in this writ petition are the District awardee teachers prior to 04/09/2018.

3. For the first time additional increments 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 can not be given retrospective effect.

6. Government Resolution relied by the learned counsel for 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 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 the light of above, we pass following order-

ORDER

The respondent / Zilla Parishad after confirming itself 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 preferably within a period of six months.

9. Writ Petition disposed of accordingly.

[A. M. DHAVAL, J.] [S. V. GANGAPURWALA, J.]

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