

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

19 WRIT PETITION NO.11300 OF 2019

**SHIVAJI KONDIBA TOMPE AND ORS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

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**Advocate for Petitioners: Mr Maniyar Irfan D
AGP for Respondents State: Mr P S Patil
Advocate for Respondents 4 & 5: Mr S B Pulkundwar**

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

DATE : 16th September, 2019

ORDER:

1. Mr. Pulkundwar, learned counsel accepts notice notice for respondent Nos. 4 and 5. Learned AGP accepts notice for respondent No.1 to 3.

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

3. Learned counsel for petitioner submits that the petitioner is 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 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.

7. Govovernment Resolution relied by the learned counsel for Zilla Parishad viz. Govevnmnet 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 Govt. 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 respondents/Zilla Parishad after confirming of 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 Govt. Resolution dated 12/12/2000. The same shall be considered on its own merits expeditiously preferably within a period of six months.

10. Writ Petition is disposed of accordingly.

(ANIL S. KILOR, J.)

(S.V.GANGAPURWALA, J.)

JPC