

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

43 WRIT PETITION NO.11700 OF 2019

VISHNU SAHEBRAO KHANDAGALE AND OTHERS
VERSUS
THE STATE OF MAHRASHTRA AND OTHERS
WITH
WRIT PETITION NO.11798 OF 2019

KARBHARI MUNJAJI DHOTRE AND OTHERS
VERSUS
THE STATE OF MAHRASHTRA AND OTHERS

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Advocate for Petitioners : Mr. Bagal Vishal A.
AGP for Respondents State: Mr A.B Chate
Advocate for Respondents 2 & 3 : Mr. K. G. Salunke

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

DATE : 24th September, 2019

ORDER:

1. The learned counsel for the petitioners and respondents are ad idem that the petitioners are similarly situated with the petitioners in Writ Petition No.1954 of 2018 with connected writ petitions decided on 25.01.2019. In view of that we pass the same order.

2. Mr. Salunke, learned counsel accepts notice for respondent Nos. 2 and 3 and learned AGP accepts notice for the respondent-State.

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

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

5. 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.

6. 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.

7. 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.

8. 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.

9. 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.

10. 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.

11. Writ Petitions are disposed of accordingly.

(ANIL S. KILOR, J.)

(S.V.GANGAPURWALA, J.)

JPC