

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

WRIT PETITION NO. 1540 OF 2020

**SANJAY MAHADEORAO HARKE
DECEASED THROUGH LEGAL HEIRS
SWATI SANJAY HARKE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

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Advocate for Petitioner :
Mr. S. S. Kulkarni h/f. Mrs. Mapari Savita G.
GP for Respondent No. 1 : Mr. A. B. Girase
Advocate for Respondents No. 2 & 3: Mr. R. D. Raut

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**CORAM: S. V. GANGAPURWALA &
SHRIKANT D. KULKARNI, JJ.**

DATE: 23rd JANUARY, 2020

PER COURT:

1. It is submitted that the husband of the petitioner is awarded certificate of excellent work and advance increment in the year 2007. The husband of the petitioner was given benefit of advance increment. However, now the recovery is claimed. If the husband of the petitioner is already granted certificate of excellent work in the year 2007, then same cannot be withdrawn retrospectively on the basis of subsequent Government Resolution.

2. The same view was taken by us in Writ Petition No. 1954 of 2018 with other connected Writ Petitions under order dated 25.01.2019.

3. The Government Resolution dated 24.08.2017 will have prospective effect and not retrospective and in that case benefit that was accorded to the husband of the petitioner of excellent work in the year 2007 shall not be withdrawn and if any recovery is made pursuant to the same, same shall be refunded to the petitioner.

4. In the light of the above, writ petition is disposed of. No costs.

[SHRIKANT D. KULKARNI, J.]

[S. V. GANGAPURWALA, J.]

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