

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

WRIT PETITION NO.3612 OF 2020

Pandharinath Eknath Kshirsagar
and ors.

..Petitioners

Versus

The State of Maharashtra and ors.

..Respondents

Mr S.K. Mathpati, Advocate for petitioners
Mrs V.S. Choudhary, A.G.P. for respondents no.1 to 5
Mr K.B. Jadhavar, Advocate for respondents no.6 and 7

- AND -

WRIT PETITION NO.3665 OF 2020

Ramnath Trimbakrao Ugale and ors.

..Petitioners

Versus

The State of Maharashtra and ors.

..Respondents

Mr S.K. Mathpati, Advocate for petitioners
Mrs V.S. Choudhary, A.G.P. for respondents no.1 to 5
Mr S.B. Ghute, Advcoate for respondents no.6 and 7

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

DATE : 5th March 2020

ORAL ORDER :

1. We have heard learned Counsel for petitioners, learned A.G.P. for respondents no.1 to 5 and learned Counsel for respondents no.6 and 7.
2. Learned Counsel for petitioners submits that all the petitioners in these writ petitions are the District Awardee teachers prior to 4.9.2018.
3. 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 Govt. 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 cases, we are concerned only with the District awardee teachers.

5. Upon perusal of various Govt. Resolutions placed on record, it does not appear that prior to the Govt. Resolution dated 4.9.2018, 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 4.9.2018. However, Govt. Resolution dated 4.9.2018 cannot be given retrospective effect.

6. Govt. Resolution relied by the learned counsel for Zilla Parishad viz. Govt. Resolution dated 27.2.2009 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 24.8.2017, 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 4.9.2018 now the benefit of additional increment to the District awardee teacher cannot be given.

7. However, all those who were granted certificate of District awardee teacher prior to 4.9.2018 cannot be denied the said benefit of additional increment.

8. 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 4.9.2018 shall individually consider the case of the petitioners 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.

9. Writ Petitions disposed of accordingly. No costs.

(SHRIKANT D. KULKARNI, J.)

(S.V. GANGAPURWALA, J.)

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