

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

WRIT PETITION NO.3005 OF 2020

Amitadevi Shahadevrao Patil

.. Petitioner

Versus

The State of Maharashtra and ors.

.. Respondents

Ms Kavita S. Bhale, Advocate for petitioner

Mr P.V.Diggikar, A.G.P. for respondent no.1

Mrs S.M. Zaware, Advocate for respondent no.2

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

DATE : 20th February 2020

ORAL ORDER :

1. We have heard learned Counsel for petitioner, learned A.G.P. for respondent no.1 and Mrs Zaware, learned Counsel for respondent no.2.
2. The learned Counsel for petitioner submits that the petitioner in present Writ Petition is the District awardee teacher 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 increment as per the said Govt. Resolution was 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 teacher.
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 the respondent – Zilla Parishad viz. Govt. Resolution dated 27.2.2019 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

A. The respondent no.2 Zilla Parishad after confirming of the petitioner being District awardee teacher and awarded certificate prior to 4.9.2018 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 from today.

B. Writ Petition is accordingly disposed of. No costs.

(SHRIKANT D. KULKARNI, J.)

(S.V. GANGAPURWALA, J.)

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