

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

50 WRIT PETITION NO. 2922 OF 2020

**PRASHANT SAMBHAPPA TUPKARI
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

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Advocate for Petitioner : Mr. Sontakke Sandeep B.
AGP for Respondents : Mrs. V. N. Patil-Jadhav

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

DATE: 18th FEBRUARY, 2020

PER COURT:

1. The learned counsel for the petitioner and the learned Assistant Government Pleader are at consensus that the petitioner is similarly situated as the petitioners in Writ Petition No. 12699 of 2018 with other connected writ petitions decided vide order dated 03.04.2019.

2. In view of that, we follow the same course and pass the following order:

I] It is submitted that, the petitioner is awarded certificate of excellent work and advance increments in the year 2008. He was

given benefit of advance increments. If the petitioner is already granted certificate of excellent work in the year 2008, the same cannot be withdrawn retrospectively on the basis of subsequent Government Resolution.

II] 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.

III] The Government Resolution dated 24.08.2017 will have prospective effect and not retrospective and if benefit was accorded to the petitioner of excellent work in the year 2008, shall not be withdrawn and if any recovery is made pursuant to the same, same shall be refunded to the petitioner.

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

[SHRIKANT D. KULKARNI, J.]
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[S. V. GANGAPURWALA, J.]