

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

WRIT PETITION NO.12519 OF 2019

Karbhari s/o Lahanu Badhe

..Petitioner

Versus

The State of Maharashtra and ors.

..Respondents

Mr V.G. Salgare, Advocate for petitioner

Mrs M.A. Deshpande, Addl.G.P. for respondents no.1 to 3

Mr V.V. Gujar, Advocate for respondents no.4 and 5

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

DATE : 5th March 2020

ORAL ORDER :

1. It is not disputed that the petitioner is District awardee teacher. The only contention of the respondents is that the petitioner is recognised as District awardee teacher in the year 1989, prior to the Circular dated 12.12.2000.

2. According to learned Counsel for respondents no.4 and 5, if the benefit is given to the petitioner, it would tantamount to applying the Circular retrospectively. The same is not permissible.

3. It can be said that the Circular is applied retrospectively, only if the benefit is given prior to the said Circular. The petitioner is recognised as the District awardee teacher prior to 12.12.2000. The benefit can be given after the Circular has come into force.

4. Considering the above and the orders passed by us in similar matters, we pass the following order :

5. The respondent - Zilla Parishad, after confirming itself of the petitioner being a District awardee teacher prior to 4.9.2018, prior to his retirement shall consider the case of the petitioner for additional increment as laid down in the

Circular dated 12.12.2000. It is made clear that petitioner will not be entitled for actual monetary benefits till the date of his retirement. The additional increment shall be counted notionally. The benefit shall be given to the petitioner for pension purpose.

6. Writ Petition disposed of. No costs.

(SHRIKANT D. KULKARNI, J.)

(S.V. GANGAPURWALA, J.)

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