

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 1566 OF 2020

Sambhaji S/o Ganpati Kodag and Ors.

...Petitioners

Versus

The State of Maharashtra and Ors.

...Respondents

**ALONG WITH
WRIT PETITION NO. 1477 OF 2020**

Sidram S/o. Jakkappa Khot and Ors.

...Petitioners

Versus

The State of Maharashtra and Ors.

...Respondents

**ALONG WITH
WRIT PETITION NO. 1567 OF 2020**

Arjun S/o Shamrao Patil and Ors.

...Petitioners

Versus

The State of Maharashtra and Ors.

...Respondents

**ALONG WITH
WRIT PETITION NO. 1568 OF 2020**

Abhaykumar S/o Baburao Vaswade and Ors.

...Petitioners

Versus

The State of Maharashtra and Ors.

...Respondents

ALONG WITH
WRIT PETITION NO. 1569 OF 2020

Sanjay S/o Kerba Kumbhar and Ors.

...Petitioners

Versus

The State of Maharashtra and Ors.

...Respondents

ALONG WITH
WRIT PETITION NO. 12576 OF 2019

Ravsaheb S/o Shirpati Mohite and Ors.

...Petitioners

Versus

The State of Maharashtra and Ors.

...Respondents

ALONG WITH
WRIT PETITION NO. 12601 OF 2019

Pandurang S/o Shankar Aayarekar and Ors.

...Petitioners

Versus

The State of Maharashtra and Ors.

...Respondents

ALONG WITH
WRIT PETITION NO. 12604 OF 2019

Rajaram S/o Kallappa Sutar and Ors.

...Petitioners

Versus

The State of Maharashtra and Ors.

...Respondents

ALONG WITH
WRIT PETITION NO. 1062 OF 2020

Sudhir S/o Balram Patil and Ors.

...Petitioners

Versus

The State of Maharashtra and Ors.

...Respondents

Mr. Shivkumar K. Mathpati for the Petitioners in all Petitions.

Mr. B.V. Samant, Ms. Nisha Mehra and Mr. S.B. Kalel, AGP for Respondent – State.

Mr. Vijay Killedar for Respondent No. 5 and 6 in WP/1566/2020.

Mr. Sameer Tambekar for Respondent No. 5 and 6 in WP Nos. 12576/2019, 12601/2019, 12604/2019, 1567/2020, 1568/2020, 1569/2020.

Mr. C.V. Gavnekar for Respondent Nos 5 and 6 in WP No. 1062/2020.

**CORAM : S. S. SHINDE &
VG.BISHT, JJ.**

RESERVED ON: 06th MARCH 2020
PRONOUNCED ON : 11th MARCH 2020

ORAL ORDER (PER S. S. SHINDE, J)

1. Learned counsel appearing for the Petitioners in all above mentioned Petitions submits that all the petitioners are District Awardee Teachers prior to 04th September, 2019. For the first time increment was given to the District Awardee Teachers under Government Resolution dated 12th December, 2000. Pursuant thereto additional increment as per said Government Resolution were given. He further submits that the present cases are concerned only with the District Awardee Teachers.

It is submitted that, the Division Bench (**CORAM : S. V.**

GANGAPURWALA & A. M. DHAVALÉ, JJ). of the Bombay High Court bench at Aurangabad in Writ Petition No. 12699 of 2018 (Ravindra Vana Patil v. The State of Maharashtra and Ors.) and connected Writ Petitions thereto, in respect of similarly situated teachers has held that the Government Resolution dated 24th August, 2017, cannot be applied to the cases of the Petitioners since the said Government Resolution will have prospective effect and not retrospective and in that case the benefit that was accorded to the Petitioners of excellent work in the year 2006, 2007 and 2008 shall not be withdrawn and if any recovery is made pursuant to the same, same shall be refunded to the Petitioners.

2. Learned counsel also submits that in another Writ Petition No. 1954 of 2018 (Urmila Dattatrya Gaikwad and Others v. The State of Maharashtra and Others) and connected Writ Petitions thereto, the Court has considered the prayer of the Petitioners therein that the additional increment given to the District Awardee Teachers under Government Resolution dated 12th December, 2000 cannot be withdrawn since prior to 04th September, 2018 there was no such Government Resolution taking away benefit of additional increments given to the District Awardee Teachers. In the said Writ Petition it was ordered that the Respondent / Zilla Parishad after confirming themselves all the Petitioners being District Awardee Teachers and awarded certificate prior to 04th September, 2018

shall individually consider the case of the Petitioners for additional increment as is laid down under the Government Resolution dated 12th December, 2000. The Respondents therein were directed to consider the cases of the Petitioners therein on its own merits expeditiously preferably within a period of six months.

3. In the present cases relying upon the aforesaid two orders passed by the Division Bench (**CORAM : S. V. GANGAPURWALA & A. M. DHAVALÉ, JJ**) of the Bombay High Court bench at Aurangabad in Writ Petition No. 12699 of 2018 (Ravindra Vana Patil v. The State of Maharashtra and Ors.) and connected Writ Petitions thereto and in Writ Petition No. 1954 of 2018 (Urmila Dattatrya Gaikwad and Others v. The State of Maharashtra and Others) and connected Writ Petitions thereto, the learned counsel for the Petitioners prays for same relief.

4. At the outset, we deem it appropriate to reproduce the orders passed by the Division Bench (**CORAM : S. V. GANGAPURWALA & A. M. DHAVALÉ, JJ**) of the Bombay High Court bench at Aurangabad in Writ Petition No. 12699 of 2018 (Ravindra Vana Patil v. The State of Maharashtra and Ors.) and connected Writ Petitions thereto and in particular paragraphs 1 to 4 which reads as under:

1. *It is submitted that, petitioners in these Writ Petitions are awarded certificate of excellent work and advance increments in the year 2006 to 2008. They were given benefit of advance increments and same was also paid. However, now for some of the petitioners recovery is claimed and for some of the petitioners benefit is not extended. If the petitioners are already granted certificate of excellent work in the year 2006, 2007 and 2008, 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 petitioners of excellent work in the year 2006, 2007 and 2008, shall not be withdrawn and if any recovery is made pursuant to the same, same shall be refunded to the petitioners.*

4. *In the light of the above, Writ Petitions are disposed of. No costs.*

5. In Writ Petition No. 1954 of 2018 and connected Writ Petitions the Division Bench of the Bombay High Court bench at Aurangabad (CORAM : S. V. GANGAPURWALA & A. M. DHAVAL, JJ) on 25th January, 2019 passed the following order:

2. *Learned counsel for petitioners submits that all the petitioners in these writ petitions are the District awardee teachers prior to 04/09/2018.*

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 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 04/09/2018, 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 04/09/2018. However, Govt. Resolution dated 04/09/2018 can not be given retrospective effect.*

6. *Govt. Resolution relied by the learned counsel for Zilla Parishad viz. Govt. Resolution dated 27/02/2009 is general in nature. It only states that the committee formed by the Govt. has made recommendation and the same is to be accepted with certain modifications. Under the Govt. Resolution dated 24/08/2017, Govt. 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 04/09/2018 now the benefit of additional increment to the District awardee teacher can not be given.

7. *However, all those who were granted certificate of District awardee teacher prior to 04/09/2018 can not 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 04/09/2018 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.*

6. In the present Writ Petitions there are number of petitioners who are claiming similar relief as that was claimed by the Petitioners in the aforesaid two Petitions. We direct the Respondents and in particular Chief Executive Officer, Zilla Parishad, Sangli/Kolhapur/Raigad shall keep in view

that the Government Resolution dated 24th August, 2017 will have prospective effect and not retrospective and in that case benefit that was accorded to the Petitioners of excellent work in the year 2006, 2007 and 2008, shall not be withdrawn and if any recovery is made pursuant to the same, same shall be refunded to the petitioners, however, Respondents shall verify the factual position about each petitioners from their school/service record.

7. So far the Petitioner who are District Awardee Teachers and who have received first time additional increment under Government Resolution dated 12/12/2000, in said case, the Respondent / Zilla Parishad after confirming themselves of the petitioners being District Awardee Teachers and awarded certificate prior to 04/09/2018 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 merit expeditiously preferably within a period of 9 months.

8. The Respondent / Zilla Parishad(s) shall strictly keep in view above-mentioned two orders passed by the Division Bench of the Bombay High Court bench, at Aurangabad in Writ Petition No. 12699 of 2018 and connected Writ Petitions thereto and Writ Petition No. 1954 of 2018 and

then take the decision.

We make it clear that since the Division Bench of the Bombay High Court, bench at Aurangabad has allowed the aforesaid two petitions and according to Petitioners, Petitioners herein are similarly situated like Petitioners in aforesaid two Writ Petitions, we have issued aforesaid directions.

9. In case any difficulty arises for the Respondents in implementing directions contained in this order, the Respondents will be at liberty to approach this Court by filing the appropriate application for modification / clarification.

10. In the light of the above, Writ Petitions are disposed of. No costs.

(V.G.BISHT, J.)

(S. S. SHINDE, J.)