

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

WRIT PETITION NO. 3809 OF 2021

Ashalata Nilkahntrao Birajdar ... Petitioner.

Versus

The State of Maharashtra
and others ... Respondents.

....

Mr. S.K. Mathpati, Advocate for the Petitioner.
Mr. A.R. Kale, AGP for Respondent Nos.1 to 5.
Mr. P.R. Tandale, Advocate for Respondent Nos. 6 and 7.

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

DATE : 17th MARCH, 2021

PER COURT:-

1. It is submitted that, petitioner in the present writ petition is holder of District awardee certificate and advance increments are granted in the year 2008. He was given benefit of advance increments and same was also paid. However, now recovery is claimed from the petitioner. If the petitioner is already granted District awardee certificate in the year 2008, then same cannot be withdrawn retrospectively on the basis of subsequent Government Resolution.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 04.09.2018 will have prospective effect and not retrospective and in that case benefit that was accorded to the petitioner of excellent work in the year 2008, shall not be withdrawn and if any recovery is made pursuant to the same, same shall be refunded to the petitioner.

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

(SHRIKANT D. KULKARNI)
JUDGE

(S.V. GANGAPURWALA)
JUDGE

S.P Rane