

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

943 WRIT PETITION NO.9414 OF 2021

RAJENDRAPRASAD GANESHPRASAD DUBE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioner : Mr. Shivkumar K. Mathpati.

AGP for Respondent/State: Mr. A. R. Kale.

Advocate for Respondent Nos.5 & 6 : Mr. S. R. Yadav – Lonikar.

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CORAM : **S. V. GANGAPURWALA &
R. N. LADDHA, JJ.**

DATE : 26th August, 2021.

P.C.:

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.5 and 6, 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.

[R. N. LADDHA, J.]

[S. V. GANGAPURWALA, J.]

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