

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 11952 OF 2021

KHURSHEED BEGAM ABDUL JALEEL SYED

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioner : Mr. Estling S Murge

AGP for Respondent No. 1: Mr. S.P. Tiwari

Advocate for respondents No. 2 and 3 : Mr. P.D. Suryawanshi

...

CORAM : S. V. GANGAPURWALA AND
R. N. LADDHA, JJ.

DATE : 27th OCTOBER, 2021

PER COURT :-

1. Mr. Tiwari, learned AGP accepts notice for respondent no.1, whereas, Mr. Suryawanshi, learned counsel accepts notice for respondents no. 2 and 3.
2. The learned counsel for the petitioner and learned counsel for respondent no.2 and 3 are *ad-idem* that the petitioner is similarly situated as the petitioners in Writ Petition No.8140 of 2019 decided on 04.07.2019 and submit that the same order be passed.
3. For the first time additional increment was given to the District awardee teachers under Government Resolution dated 12/12/2000. Pursuant thereto, additional increments as per the said Government 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 case, we are concerned only with the District awardee teachers.
5. Upon perusal of various Government Resolutions placed on record, it does not appear that prior to the Government Resolution dated 04/09/2018, there was any Government 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 Government Resolution dated 04/09/2018, however, Government Resolution dated

04/09/2018 can not be given retrospective effect.

6. Government Resolution relied by the learned counsel for the respondent/Zilla Parishad viz. Government Resolution dated 27/02/2009 is general in nature. It only states that the committee formed by the Government has made recommendation and the same is to be accepted with certain modifications. Under the Government Resolution dated 24/08/2017, Government 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 Government 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

- A. The respondents No. 2 and 3 / Zilla Parishad, after confirming themselves of the petitioner being District awardee teacher, awarded certificate prior to 04/09/2018 and shall consider the case of the petitioner for additional increment as laid down under the Government Resolution dated 12/12/2000. The same shall be considered on its own merits, expeditiously, preferably within a period of six (06) months from today.
- B. The writ petition is disposed of accordingly. No costs.

(R. N. LADDHA)
JUDGE

(S.V. GANGAPURWALA)
JUDGE

mtk