

**Basavraj
G. Patil**

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Basavraj G. Patil
Date: 2021.03.12
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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE JURISDICTION

WRIT PETITION (ST) NO.3501/2021

Laxman Pandurang Nikam & Ors. Petitioners

Vs.

State of Maharashtra & Ors. Respondents

Mr. Sachin Chavan I/b. Sujay Palshikar for the Petitioners
Mr. S. S. Panchpor, AGP for the State
Mr. Swapnil Mhatre I/b. Samir Tambekar for Respondent
Nos.3 to 5 and 7

1. WRIT PETITION NO.8818 OF 2018

Mr. Nitin Dattatray Pawar & Ors. ...Petitioners

Versus

The State of Maharashtra & Ors. ...Respondents

WITH

2. WRIT PETITION NO.9118 OF 2018

Sahebrao B. Ahire & Ors. ...Petitioners

Versus

The State of Maharashtra & Ors. ...Respondents

WITH

3. WRIT PETITION NO.9132 OF 2018

Mr. Ashok Dharma Thakare & Ors. ...Petitioners

Versus

The State of Maharashtra & Ors. ...Respondents

WITH

4. WRIT PETITION NO.9135 OF 2018

Dipak Uttam Thorat & Ors. ...Petitioners

Versus
The State of Maharashtra & Ors. ...Respondents

WITH
5. WRIT PETITION NO.9136 OF 2018

Devram M. Khandavi ...Petitioners
Versus
The State of Maharashtra & Ors. ...Respondents

WITH
6. WRIT PETITION NO.9396 OF 2018

Dhanraj Shivaji Vani & Ors. ...Petitioners
Versus
The State of Maharashtra & Ors. ...Respondents

WITH
7. WRIT PETITION NO.9607 OF 2018

Pradeep S. Shinde & Ors. ...Petitioners
Versus
The State of Maharashtra & Ors. ...Respondents

WITH
8. WRIT PETITION NO.9898 OF 2018

Dhananjay D. Aher & Ors. ...Petitioners
Versus
The State of Maharashtra & Ors. ...Respondents

WITH
9. WRIT PETITION NO.12860 OF 2018

Chandrakant R. Lahanage & Ors. ...Petitioners
Versus
The State of Maharashtra & Ors. ...Respondents

WITH
10. WRIT PETITION (ST) NO.18919/2018

Walmik Gangaram Sonawane & Ors. ...Petitioners

Versus
The State of Maharashtra & Ors. ...Respondents

WITH
11. WRIT PETITION (ST) NO.18924/2018

Subhash Dodha Ahire & Ors. ...Petitioners
Versus
The State of Maharashtra & Ors. ...Respondents

Mr. Pradeep S. Gole for the Petitioners
Mr. S. S. Panchpor, AGP for the State
Mr. V. S. Gokhale, "B" Panel Counsel for the State
Mr. R. P. Kadam, AGP for the State
Mr. Rohit Sakhadeo for Respondent Nos.4 and 5 in Writ
Petition No.8818/2018

**CORAM: K.K.TATED &
RIYAZ I. CHAGLA, JJ.**

DATED : MARCH 10, 2021

P.C.

1 Rule.

Rule is made returnable forthwith by consent of the parties.

2 Heard. The learned counsel for the Petitioners submits that 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 the Government Resolution dated 12.12.2000. Pursuant thereto, additional increments 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 case, we are concerned only with the District Awardee Teachers.

5 Upon perusal of various Govt. Resolution 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 cannot 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 cannot be denied the said benefit of additional increment.

8 In light of the above, we pass the following order:

a. 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 Government Resolution dated 12.12.2000. The same shall be considered on its own merits expeditiously preferably within a period of six months and the Respondents shall communicate their decision to the Petitioner, in writing.

b At the request of the learned counsel for the Petitioner in Writ Petition (ST) No.18924/2018, all office objections are dispensed with, except Court Fees.

c All Writ Petitions stand disposed of accordingly.

(RIYAZ I. CHAGLA, J.)

(K.K.TATED, J.)