

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

**910 REVIEW APPLICATION (CIVIL) NO.170 OF 2022
IN
WRIT PETITION NO.13760 OF 2019**

1. The State of Maharashtra
Through its Secretary,
General Administration Department,
Mantralaya, Mumbai.
2. The State of Maharashtra,
Through its Secretary,
Public Works Department,
Mantralaya, Mumbai. .. Applicants

Versus

1. Rupchand s/o. Narayan Shinde
Age : 63 years, Occu : Pensioner,
R/o. Pimpalner, Pimpalner Education
Society, Tal. Sakri, Dist. Dhule.
2. Sanjay s/o. Yadavrao Gote
Age : 62 years, Occu : Pensioner,
R/o. Plot No.28, Saraswati Colony,
Rathi Nagar, Near Atharva Health club,
Amravati, Dist. Amravati.
3. Ravindra s/o. Nanasaheb Chandurkar
Age : 61 years, Occu : Pensioner,
R/o. T-3, Pingle Sankul, Birla Road,
Ramdaspet, Akola, Dist. Akola.
4. Shriram s/o. Deorao Patokar
Age : 58 years, Occu : Pensioner,
R/o. Kausalya Sadan, Behind L.R.T. College,
Ramnagar, Akola, Dist. Akola.
5. Anant s/o. Raghunathsa Nandurkar

Age : 59 years, Occu : Pensioner,
R/o. Raghukul, Gorakshan Road,
Datta Colony, Kapila Nagar,
Akola, Dist. Akola.

6. Umesh s/o. Ganpatrao Ratnaparkhi
Age : 60 years, Occu : Pensioner,
R/o. D-503, Konark Meadows,
Baif Road, Behind Moze College,
Wagholi, Haveli, Pune, Dist. Pune
7. Sanjay s/o. Ambadas Shelke
Age : 54 years, Occu : Service,
R/o. "Gajanan Krupa", Near Khune
Apartment, Kirti Nagar, Akola,
Dist. Akola.
8. Vijay s/o. Kishanrao Shirsat,
Age : 61 years, Occu : Pensioner,
R/o. 6, Hare Ram Hare Krishna Hsg.,
Society, Opp. Utsav Mangal Karyalay,
Akola, Dist. Akola.
9. Ganesh s/o. Narayanrao Bhasme
Age : 64 years, Occu : Pensioner,
R/o. Near Vidyabharti College,
Back side of Reform Club, Gitanjal Colony,
Amravati, Dist. Amravati. ...Respondents

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Mr. V.J. Dixit, Senior Advocate i/by. Mrs. M.A. Deshpande,
AGP for the applicants.

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AND

REVIEW APPLICATION (CIVIL) NO.171 OF 2022
IN
WRIT PETITION NO.11004 OF 2019

1. The State of Maharashtra
Through its Secretary,
General Administration Department,
Mantralaya, Mumbai.

2. The State of Maharashtra,
Through its Secretary,
Public Works Department,
Mantralaya, Mumbai.

3. The Public Work Circle Aurangabad
Through Its Superintendent Engineer,
Aurangabad

.. Applicants

Versus

1. Sunil Shriramji Raut,
Age : 57 years, Occu : Service,
R/o. Row House No. B-4, Dhillon Residency,
Near Divya Bharti Hospital, Kanchanwadi,
Paithan Road, Aurangabad, Tal. & Dist. Aurangabad

2. Bhikan s/o. Deoman Barthare,
Age : 48 years, Occu : Service,
R/o. Behind Saint John School,
Plot No.6, Sujata Housing Society,
Aurangabad, Tq. & Dist. Aurangabad

3. Pandit s/o. Daulatrao Irale,
Age : 53 years, Occu : Service,
R/o. Plot No. C-34, Near M.I.T. Hospital,
N-4, Cidco, Aurangabad, Tq. & Dist. Aurangabad.

4. Tukaram s/o. Panditrao Dandge,
Age : 57 years, Occu : Service,
R/o. Plot No.70, Sector F, N-4, Cidco,
Near Kilbil Balak Mandir, Aurangabad,
Tq. & Dist. Aurangabad.

5. Babasaheb s/o. Ramkishanrao Mokle,
Age : 47 years, Occu : Service,
R/o. 17/100, Kotla Colony, Anand Nagar,
Adalat Road, Aurangabad,
Tq. & Dist. Aurangabad

6. Prashant s/o. Pandurang Sadawarte,
Age : 47 years, Occu : Service,
R/o. H. No. 6, Railway Station Road,

Near S.S.C Board, P.W.D. Quarter,
Osmanpura, Aurangabad, Tq. & Dist. Aurangabad

7. Bhagwanrao s/o. Daulatrao Irale,
Age : 61 years, Occu : Service,
R/o. Plot No. C-34, Near M.I.T. Hospital,
N-4, Cidco, Aurangabad, Tq. & Dist. Aurangabad
8. Bhagirath s/o. Mulchand Rathi,
Age : 60 years, Occu : Service,
R/o. 13, Vishwakarma Hsg., Society,
N-8, E Cidco, Aurangabad, Tq. & Dist. Aurangabad
9. Nandkumar s/o. Murlidharrao Dhage
Age : 63 years, Occu : Service,
R/o. Kamod, K-2, Spandan Nagar,
N-4, Cidco, Aurangabad, Tq. & Dist. Aurangabad
10. Vinod s/o. Vithalrao Kulkarni
Age : 45 years, Occu : Service,
R/o. Gadiya Vihar Road, Flat No.5,
Pahade Angan Apartment, Trisharan Chowk,
Aurangabad, Tq. & Dist. Aurangabad.
11. Bhaurao s/o. Rajaram Vasankar
Age : 67 years, Occu : Pensioner,
R/o. Chate School Road, Plot No.28
Survey No.105, Satara Parisar,
Aurangabad, Tq. & Dist. Aurangabad
12. Sakharam s/o. Ganpatrao Avhad,
Age : 45 years, Occu : Service,
R/o. Plot No.14, Lakshmikunj,
Ambedkar Hsg., Society, Cidco, N-9,
Aurangabad, Tq. & Dist. Aurangabad
13. Bhagwan s/o. Pandurang Jadhav,
Age : 66 years, Occu : Pensioner,
R/o. H.No. C-137, Avishkar Colony, N-6,
Cidco, Aurangabad, Tq. & Dist. Aurangabad.
14. Abdul Saleem Abdul Hadi,
Age : 56 years, Occu : Service,

R/o. In front of Divekar Auto Garrage,
8, Padampura, Aurangabad, Tq. & Dist. Aurangabad

15. Ashokrao s/o. Rustumrao Hiwarde,
Age : 65 years, Occu : Pensioner,
R/o. Khirdi, Tq. Khultabad. .. Respondents.

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Mr. V.J. Dixit, Senior Advocate i/by. Mrs. M.A. Deshpande,
AGP for the applicants.

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AND

REVIEW APPLICATION (CIVIL) NO.184 OF 2022
IN
WRIT PETITION NO.4586 OF 2019

1. The Chief Executive Officer,
Zilla Parishad, Ahmednagar
2. The Education Officer (Primary)
Zilla Parishad, Ahmednagar
3. The Block Education Officer,
Panchayat Samiti, Ahmednagar
Dist. Ahmednagar .. Applicants

Versus

1. Karbhari Lahanu Badhe,
Age : 64 years, Occu : Pensioner,
R/o. Yashwant Jagannath Nagar
Kedgaon Nagar Pune Road, Tal. Kedgaon,
Dist. Ahmednagar
2. The State of Maharashtra
Through its Secretary,
General Administration Department,
Mantralaya, Mumbai
3. The Additional Chief Secretary,
Finance Department
Mantralaya, Mumbai

4. The Principal Secretary,
General Administration Department,
Mantralaya, Mumbai. .. Respondents

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Mr. Avinash D. Aghav, Advocate for the Applicants.

Mr. V.G. Salgare, Advocate for Respondent No.1

Mr. A.S. Shinde, A.G.P. for respondent nos.2 to 4

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AND

REVIEW APPLICATION (CIVIL) NO.186 OF 2022

IN

WRIT PETITION NO.4555 OF 2019

1. The Chief Executive Officer,
Zilla Parishad, Ahmednagar
2. The Education Officer (Primary)
Zilla Parishad, Ahmednagar
3. The Block Education Officer,
Panchayat Samiti, Ahmednagar
Dist. Ahmednagar .. Applicants

Versus

1. Jayshree Rangnath Gholap
Age : 47 years, Occu : Service
R/o. Plot No.48, Kranti Jyot Motibag
in front of Hotel Sandeep Kadgaon,
Tal. & Dist. Ahmednagar
2. The State of Maharashtra
Through its Secretary,
General Administration Department,
Mantralaya, Mumbai
3. The Additional Chief Secretary,
Finance Department,
Mantralaya, Mumbai
4. The Principal Secretary,

General Administration Department,
Mantralaya, Mumbai

.. Respondents.

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Mr. Avinash D. Aghav, Advocate for the Applicants.

Mr. V.G. Salgare, Advocate for Respondent No.1

Mr. A.S. Shinde, A.G.P. for respondent nos.2 to 4

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AND

REVIEW APPLICATION (CIVIL) NO.187 OF 2022

IN

WRIT PETITION NO.11738 OF 2019

The Zilla Parishad, Beed

Through its authorized officer

Parshuram Bappasaheb Arsul

Age : 56 years, Occu : Service

Assistant Administrative Officer,

Education Department, Zilla Parishad, Beed

R/o. Near Mane Complex, Chanakyapuri, Beed

.. Applicant

Versus

1. The State of Maharashtra
Through the Principal Secretary,
School Education Department (Primary),
Mantralaya Mumbai.
2. The State of Maharashtra,
Through the Principal Secretary,
Finance Department,
Mantralaya, Mumbai.
3. The State of Maharashtra
Through its Secretary
Rural Development and Water
Conservation Department,
Mantralaya Mumbai.
4. The State of Maharashtra,
Through the Secretary,
General Administration Department,
Mantralaya, Mumbai.

5. The Divisional Commissioner, Aurangabad
6. The Education Officer (P)
Zilla Parishad, Beed
7. Tatyaram Bansi Phule,
Age : 65 years, Occu : Retired,
R/o. Jamkhed, Tal. Jamkhed,
Dist. Beed
8. Smt. Anita Ramrao Didul,
Age : 48 years, Occu : Service,
R/o. Z.P.H.S. Sautada, Tq. Patoda,
Dist. Beed.
9. Ashok Suryabhan Jagtap
Age : 56 years, Occu : Service,
R/o. ZPPS, Tandal Wadi (Bhill)
Tal. & Dist. Beed
10. Appasaheb Rangnath Deshpande
Age : 75 years, Occu : Retired,
R/o. Mangwadgaon, Tal. Kaij,
Dist. Beed.
11. Shahurao Vitthalrao Morale
Age : 60 years, Occu : Retired,
R/o. Nursing Colony, Pangri Road,
Beed, Tal. & Dist. Beed
12. Arun Vishnupant Kundalkar
Age : 57 years, Occu : Service
R/o. ZPCPS Wangi, Tal. & Dist. Beed
13. Smt. Saraswati Ranghunath Khedkar
Age : 55 years, Occu : Service,
R/o. ZPPS Shirapur Dhumal,
Tal. Shirur Kasar, Dist. Beed
14. Smt. Pratibha Madhukar Shingare
Age : 45 years, Occu : Service,
R/o. ZPPS Wadgaondhok, Tal. Georai,

Dist. Beed

15. Ramesh Bajirao Nagargoje
Age : Major, Occu : Service,
R/o. ZPCPS Pathoda, Tal. Pathoda,
Dist. Beed
16. Pandurang Rambhau Shinde
Age : Major, Occu : Service,
R/o. ZPPS Pitthi, Tal. Patoda,
Dist. Beed.
17. Dharmraj Kondiba Rasal
Age : 57 years, Occu : Service
R/o. Panchayat Samiti Beed,
Tal. & Dist. Beed
18. Shaikh Nadeem Arif Mohmmad Fajil,
Age : 60 years, Occu : Retired,
R/o. Darga Colony, Neknoor,
Tal. & Dist. Beed
19. Suresh Bhagwanappa Nagare
Age : 65 years, Occu : Retired,
R/o. Prayag Sahyog Nagar (East)
Near Sarda Nagari, Tal. & Dist. Beed .. Respondents

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Mr. P.D. Suryawanshi, Advocate for the applicant.
Mr. R.P. Gour, AGP for Respondent Nos.1 to 5
Mr. S.K. Mathpati, Advocate for the petitioner in W.P

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WITH
CIVIL APPLICATION NO.1203 OF 2022
IN
REVIEW APPLICATION (CIVIL) NO.187 OF 2022

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AND
REVIEW APPLICATION (CIVIL) NO.190 OF 2022
IN
WRIT PETITION NO.14754 OF 2019

The Zilla Parishad, Beed
 Through its Authorized Officer
 Chandrashekhar Pralhadrao Kshirsagar,
 Age : 48 years, Occu : Service,
 Junior Administrative Officer,
 R/o. Shahu Nagar, Beed.

.. Applicant

Versus

1. The State of Maharashtra
 Through its Secretary,
 Rural Development and
 Water Conservation Department,
 Mantralaya, Mumbai
2. Shivaji Goraknath Aundhkar
 Age : 53 years, Occu : Service,
 R/o. Under Panchayat Samiti, Ashti,
 Tq. Ashti, Dist. Beed
3. Vikram Deorao Latpate
 Age : 56 years, Occu : Service,
 R/o. Panchayat Samiti, Ashti,
 Tq. Ashti, Dist. Beed
4. Manohar Waman Jadhav,
 Age : 55 years, Occu : Service,
 R/o. Panchayat Samiti, Ashti,
 Tq. Ashti, Dist. Beed
5. Gautam Uttam Aher,
 Age : 54 years, Occu : Service,
 R/o. Panchayat Samiti, Ashti,
 Tq. Ashti, Dist. Beed
6. Raju Bhiaji Kawade
 Age : 54 years, Occu : Service,
 R/o. Panchayat Samiti, Ashti,
 Tq. Ashti, Dist. Beed
7. The Block Development Officer,
 Class – 1, Panchayat Samiti, Ashti,
 Dist. Beed

.. Respondents

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Mr. P.D. Suryawanshi, Advocate for the applicant.
Smt. Vaishali N. Patil Jadhav, AGP for Respondent No.1
Mr. Sushil Irale Patil h/f. Mr. D.R. Irale Patil, Advocate for the
petitioner in W.P.

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WITH
CIVIL APPLICATION NO.1214 OF 2022
IN
REVIEW APPLICATION (CIVIL) NO.190 OF 2022

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AND
REVIEW APPLICATION (CIVIL) NO.195 OF 2022
IN
WRIT PETITION NO.9433 OF 2019

1. The Chief Executive Officer,
Zilla Parishad, Jalna
Dist. Jalna.
2. The Education Officer (Primary)
Zilla Parishad, Jalna,
Dist. Jalna .. Applicants

Versus

1. The State of Maharashtra
Through its Principal Secretary,
School Education Department,
Mantralaya, Mumbai
2. The State of Maharashtra
Through its Principal Secretary,
Finance Department,
Mantralaya, Mumbai
3. The State of Maharashtra
Through its Secretary,
General Administration Department,
Mantralaya, Mumbai

4. The State of Maharashtra
Through its Secretary,
Rural Development & Water
Conservation Department,
Mantralaya, Mumbai
5. Baban s/o. Bhaurao Borude
Age : 50 years, Occu : Teacher,
A/p. Z.P.P.S. Ghanewadi,
Tq. & Dist. Jalna.
6. Shaikh Jameel Ahmed Bashir Ahmed,
Age : 53 years, Occu : Teacher,
A/p. Z.C.P.S. Waghrol (J.)
Tq. & Dist. Jalna
7. Tushar s/o. Vitthairao Londhe
Age : 50 years, Occu : Teacher,
A/p. Z.P.P.S. Shindewadgaon,
Tq. Ghansawangi, Dist. Jalna.
8. Javeed Ahmad Manzoor Ahmad Ansari
Age : 51 years, Occu : Teacher,
A/p. Z.P. H.S. Jamkhed,
Tq. Ambad, Dist. Jalna.
9. Anees Ahmad Manzoor Ahmad Ansari,
Age : 55 years, Occu : Teacher,
A/p. Z.P.P.S. Satona (kh) Urdu,
Tq. Partur, Dist. Jalna.
10. Kailas s/o. Punjaji Bhise
Age : 52 years, Occu : Teacher,
A/p. Z.P.P.S. Bajar Wahegaon,
Tq. Badnapur, Dist. Jalna.
11. Annasaheb s/o. Shrawan Khillare,
Age : 51 years, Occu : Teacher,
A/p. Z.P.P.S. Kajala,
Tq. Badnapur, Dist. Jalna.
12. Tukaram s/o. Shripat Chitte
Age : 56 years, Occu : Teacher,
A/p. Z.P.H.S. Pokhari,

Tq. Jafrabad, Dist. Jalna.

13. Nilkantha s/o. Ambadas Auti
Age : 48 years, Occu : Teacher,
A/p. Z.P.C.S. Warud Bk,
Tq. Jafrabad, Dist. Jalna.
14. Bidesing s/o. Mahadev Solanki
Age : 52 years, Occu : Teacher,
A/p. Z.P.C.P.S. Warud (B.K),
Tq. Jafrabad, Dist. Jalna.
15. Sanjay Laxman Chaudhari
Age : 51 years, Occu : Teacher,
A/p. Z.P.H.S. Paregaon,
Tq. & Dist. Jalna.
16. Ramesh Bhivraji Kolhe
Age : 52 years, Occu : Teacher,
A/p. Z.P.C.P.S. Waghrol (J.),
Tq. & Dist. Jalna.
17. Ravi s/o. Balkrushna Kulkarni
Age : 45 years, Occu : Teacher,
A/p. Z.P.H.S. Najik Pangari,
Tq. Badnapur, Dist. Jalna.
18. Navanath s/o. Ajinath Shinde,
Age : 44 years, Occu : Teacher,
A/p. Z.P.P.S. Nivdunga,
Tq. Jafrabad, Dist. Jalna.
19. Gajanan S/o. Yadavrao Khedekar
Age : 47 years, Occu : Teacher,
A/p. Z.P.P.S. Nimkheda (BK),
Tq. Jafrabad, Dist. Jalna.
20. Ajit s/o. Krishnarao Bidarkar
Age : 52 years, Occu : Teacher,
A/p. Z.P.C.P.S. Bawanepangri,
Tq. Badnapur, Dist. Jalna.
21. Ramkumar s/o. Bhagoji Kharade
Age : 51 years, Occu : Teacher,

A/p. Z.P.C.P.S. Tembhorni,
Tq. Jafrabad, Dist. Jalna.

22. Sushma S/o. Prabhakarrrao Wadjikar
Age : 50 years, Occu : Teacher,
A/p. Z.P.P.S. Ravagaon Golapameri,
Tq. & Dist. Jalna.
23. Shaikh Fayazuddin Shaikh Husain
Age : 55 years, Occu : Teacher,
A/p. Z.P.C.P.S. Sawangi Jalna,
Tq. & Dist. Jalna.
24. Smt. Sharyu Bhaskarrao Kulkarni
Age : 49 years, Occu : Teacher,
A/p. Z.P.P.S. Bajiumead Landa,
Tq. & Dist. Jalna.
25. Shaikh Sadik Ibrahim
Age : 44 years, Occu : Teacher,
A/p. Z.P.P.S. Roshangaon,
Tq. Badnapur, Dist. Jalna.
26. Rashakishan Dagaduba Lahane
Age : 55 years, Occu : Teacher,
A/p. Z.P.C.P.S. Tembhurni,
Tq. Jafrabad, Dist. Jalna.
27. Suryakant s/o. Narayanrao Kadelwar
Age : 55 years, Occu : Teacher,
A/p. B.E.O.P.S. Badnapur,
Tq. & Dist. Jalna.
28. Baburao s/o. Bhasu Pawar
Age : 52 years, Occu : Teacher,
A/p. Z.P.C.P.S. Ner, Tq. & Dist. Jalna.
29. Vijaykumar s/o. Damodhar Pitale
Age : 52 years, Occu : Teacher,
A/p. Z.P.C.P.S. Ner, Tq. Badnapur, Dist. Jalna.
30. Ramdas s/o. Bhikaji Vaidya,
Age : 60 years, Occu : Teacher,
At Jawalkhed, Post. Borakhadi (B),

Tq. Deulgaonraja, Dist. Buldana.

31. Sunil Kisanrao Ambhore
Age : 48 years, Occu : Teacher,
at Z.P.H.S., Garkheda, Jafrabad,
Tq. Jafrabad, Dist. Jalna.
 32. Smt. Mangala Manikrao Kulkarni
Age : 53 years, Occu : Service,
At Z.P.P.S. Daregaon, Tq. & Dist. Jalna.
 33. Bhagwan Jagannath Chormare
Age : 50 years, Occu : Teacher,
at Z.P.P.S. Samangaon,
Tq. & Dist. Jalna.
 34. Ashok s/o. Sitaram Jadhav
Age : 61 years, Occu : retired,
At Vidyut Colony, Jalna,
Tq. & Dist. Jalna.
 35. Vilas s/o. Narayan Ingle
Age : 48 years, Occu : Teacher,
at Z.P.H.S., Garkheda, Jafrabad,
Tq. Jafrabad, Dist. Jalna.
 36. Smt. Sadhana d/o. Punjaji Girhe
Age : 43 years, Occu : Teacher,
at Z.P.P.S. Mandva, Tq. Badnapur,
Dist. Jalna.
 37. Shivaji Govindrao Deshmukh,
Age : 48 years, Occu : Teacher,
at Z.P.H.S., Jafrabad, Tq. Jafrabad,
Dist. Jalna.
- .. Respondents

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Smt. Manjusha V. Narwade h/f. Mr. V.P. Narwade, Advocate for the applicants.

Smt. M.A. Deshpande, AGP for respondent nos.1 to 4 in W.P.

Mr. S.K. Mathpati, Advocate for the petitioner in W.P.

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ABOVE MATTERS RESERVED ON : 24.08.2022
PRONOUNCED ON : 30.08.2022

AND

REVIEW APPLICATION (CIVIL) NO.183 OF 2022

IN

WRIT PETITION NO.14009 OF 2019

The Zilla Parishad, Beed,

Through its authorized officer

Parshuram Bappasaheb Arsul

Age : 56 years, Occu : Service,

Assistant Administrative Officer,

Education Department, Zilla Parishad, Beed

R/o. Near Mane Complex, Chankyapuri, Beed.

.. Applicant

Versus

1. The State of Maharashtra
through the Principal Secretary,
School Education Department,
Mantralaya, Mumbai.
2. The State of Maharashtra
Through the Principal Secretary,
Finance Department
Mantralaya, Mumbai
3. The State of Maharashtra
Through the Secretary,
Rural Development and Water Conservation
Department Mantralaya, Mumbai.
4. The State of Maharashtra
Through the Secretary,
General Administration Department,
Mantralaya, Mumbai
5. The Divisional Commissioner,
Aurangabad.
6. The Education Officer (Primary)
Zilla Parishad, Beed
7. Limbaji s/o. Pandharinath Karande
Age : 60 years, Occu : Retired,

R/o. Jyotiba Niwas, Shikshak Colony, Neknoor,
Tq. And Dist. Beed.

8. Jalindar s/o. Annarao Nannware
Age : 64 years, Occu : Retired,
R/o. Shikshak Colony, Neknoor,
Tq. and Dist. Beed
9. Mahadeo s/o. Ramrao Lomte
Age : 61 years, Occu : retired,
R/o. Bankatswami Shikshak Colony,
Tq. and Dist. Beed
10. Gulam Ather Gulam Dastagir
Age : 62 years, Occu : Retired,
R/o. Zam Zam Colony, Behind Aman
Lawns, Tq. And Dist. Beed.
11. Mahadeo s/o. Ashruba Gawale,
Age : 44 years, Occu : Teacher,
R/o. Z.P.P.S. Londewadi,
Tq. Wadwani, Dist. Beed
12. Pralhad s/o. Sundarrao Ghodke,
Age : 65 years, Occu : retired,
R/o. Datta Nagar, Trimurti Colony,
Tq. and Dist. Beed.
13. Sadashiv s/o. Laxman Pokale,
Age : 70 years, Occu : Retired,
R/o. Amalner (Bhandyache),
Tq. Patoda, Dist. Beed.
14. Rangnath s/o. Haribhau Khake,
Age : 69 years, Occu : retired,
R/o. Z.P.P.S. Londewadi,
Tq. Parali, Dist. Beed.
15. Banshidhar s/o. Kisanrao Shinde
Age : 70 years, Occu : Retired,
R/o. Akshay Nivas, Kranti Nagar,
Tq. and Dist. Beed.

16. Dattatray s/o. Naharrao Lande
Age : 70 years, Occu : Retired,
R/o. Sukarwar Peth, Beed
Tq and Dist. Beed.
17. Shaikh Dastgir Abdul,
Age : 59 years, Occu : Retired,
R/o. Dargah Colony, Neknoor,
Tq. and Dist. Beed
18. Shivaji s/o. Dadarao Shingare
Age : 66 years, Occu : Retired,
R/o. House No. 4/41, Deshpande Galli,
Tq. Ambajogai, Dist. Beed.
19. Bharatsingh s/o. Jaipalsingh Rahekwai,
Age : 66 years, Occu : Retired,
R/o. Phule Nagar, Kaij,
Tq. Kaij, Dist. Beed.
20. Shaikh Chandpasha Amir Chowkidar,
Age : 71 years, Occu : Retired,
R/o. Near Datta Mandir, Samta Colony,
Majalgaon, Tq. Majalgaon, Dist. Beed.
21. Sayed Nazir Ahmad Hamid,
Age : 70 years, Occu : Retired,
R/o. Zam Zam Colony, Behind Aman Lawns,
Tq. & Dist. Beed.
22. Pralhad s/o. Tukaram Makkapalle,
Age : 54 years, Occu : Service,
R/o. Z.P.P.S. Kaij,
Tq. Kaij, Dist. Beed.
23. Shrihari s/o. Rukmaji Kaknate
Age : 63 years, Occu : Retired,
R/o. Shikshak Colony, Karkhana Road,
More Wadi, Tq. Ambajogai, Dist. Beed.
24. Ramchandra s/o. Ashruba Ridake
Age : 65 years, Occu : Retired,
R/o. Bhogalwadi, Tq. Dharur, Dist. Beed.

25. Ashok s/o. Tukaram Khindre
Age : 66 years, Occu : retired,
R/o. Dharur, Tq. Dharur, Dist. Beed.

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Mr. Prashant D. Suryawanshi, Advocate for the Applicant
Mr. S.B. Yawalkar, AGP for Respondent Nos.1 to 5
Mr. S.K. Mathpati, Advocate for the petitioner in Writ Petition.

...

WITH

CIVIL APPLICATION NO.1216 OF 2022

IN

REVIEW APPLICATION (CIVIL) NO.183 OF 2022

IN

WRIT PETITION NO.14009 OF 2019

...

AND

REVIEW APPLICATION (CIVIL) NO.185 OF 2022

IN

WRIT PETITION NO.14592 OF 2019

1. The Chief Executive Officer
Zilla Parishad, Latur
2. The Education Officer (Primary),
Zilla Parishad, Latur .. Applicants

Versus

1. Yeshwant s/o. Mukinda Suryawanshi
Age : 46 years, Occu : Service as Teacher
A/p. Z.P.P.S. Wanjarwadi,
Tq. Renapur, Dist. Latur
2. Sanjaykumar s/o. Manmathappa Halkude
Age : 43 years, Occu : Teacher,
A/p. Z.P.P.H.S. Nalegaon,
Tq. Chakur and Dist. Latur
3. Ramesh s/o. Bapurao Mule
Age : 52 years, Occu : Teacher

A/p. Z.P.P.S. Daithana,
Tq. Shirur Anantpal, Dist. Latur

4. Bhalchandra s/o. Basantrao Shindalkar
Age : 64 years, Occu : Retired,
A/p. ZPPS Shirur Anantpal,
Tq. Shirur Anantpal, Dist. Latur
5. Manmath s/o. Vishwanath Handrale
Age : 56 years, Occu : Teacher
A/p. Z.P.P.S., Bhojraj Nagar, Shirur Anantpal
Tq. Shirur Anantpal, Dist. Latur
6. Smt. Shivabai Nivruttirao Bhojne
Age : 49 years, Occu : Teacher
A/p. Z.P.C.P.S., Hisamabad,
Tq. Shirur Anatpal, Dist. Latur
7. Mehmood S/o. Aajamsab Ujede
Age : 60 years, Occu Retired,
A/p. Shirur Anatpal,
Tq. Shirur Anatpal, Dist. Latur
8. Shahaji S/o. Gangadhar Sangule
Age : 58 years, Occu : Retired,
Mankhed, Kingaon, Tq. Ahemadpur,
Dist. Latur
9. Suresh S/o. Ramrao Solanke
Age : 48 years, Occu : Teacher,
A/p. Z.P.P.S. Zari (Ku), Chakur,
Tq. Chakur, Dist. Latur
10. Dinesh s/o. Vishwanath Jadhav
Age : 49 years, Occu : Teacher,
A/p. Dipdarshan Niwas, AUSA Road,
Ganesh Nagar, Tq. & Dist. Latur
11. Pratap S/o. Yeshwantrao Bidwe
Age : 52 years occu : Teacher,
A/p. Bharat Ratna Atal Bihari Bajpai
Inter National School,
Tq. Kalamb, Dist. Osmanabad.

12. Bhaskar s/o. Pandurang Mali
Age : 48 years, Occu : Teacher,
A/p. Z.P.H.S. Tandulja, Tal. & Dist. Latur
 13. Nagnath s/o. Pandharinath Rawale
Age : 45 years, Occu : Teacher,
A/p. Z.P.P.S. Ghansargaon,
Tq. Renapur, Dist. Latur
 14. Sanjay Ramkrishna Deshpande
Age : 52 years, Occu : Teacher,
A/p. Z.P.P.S., Ghansargaon,
Tq. Renapur, Dist. Latur
 15. Shaikh Fadid Shaikh Rahimsaheb
Age : 48 years, Occu : Teacher,
A/p. Z.P.P.S. Chata, Ekurga,
Tq. & Dist. Latur
 16. The State of Maharashtra
Through its Principal Secretary,
School Education Department,
Mantralaya, Mumbai
 17. The State of Maharashtra
Through its Principal Secretary,
Finance Department,
Mantralaya, Mumbai
 18. The State of Maharashtra
Through its Secretary
General Administrative Department,
Mantralaya, Mumbai.
 19. The State of Maharashtra
Through its Secretary, Rural Development
and Water Conservation Department,
Mantralaya, Mumbai.
- .. Respondents

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Mr. P.R. Tandale, Advocate for the applicants.
Mr. S.G. Rudrawar, Advocate for Respondent Nos.3 to 5 & 7
Mr. S.K. Mathpati, advocate for the petitioner in W.P.

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AND

**REVIEW APPLICATION (CIVIL) NO.188 OF 2022
IN
WRIT PETITION NO.15230 OF 2019**

1. The Chief Executive Officer,
Zilla Parishad, Latur
 2. The Education Officer (Primary),
Zilla Parishad, Latur
- .. Applicants

Versus

1. Saudagar Zameer Rasul
Age : 59 years, Occu : Retired,
A/p. H. No. 36, Nath Nagar, Latur
Tq. Latur, Dist. Latur
 2. The State of Maharashtra
Through its Principal Secretary,
School Education Department,
Mantralaya, Mumbai.
 3. The State of Maharashtra
Through its Principal Secretary,
Finance Department,
Mantralaya, Mumbai
 4. The State of Maharashtra
Through its Secretary,
Rural Development and Water
Conservation Department,
Mantralaya, Mumbai.
 5. The State of Maharashtra
Through its Secretary,
General Administrative Department,
Mantralaya, Mumbai
 6. The Divisional Commissioner,
Aurangabad
- .. Respondents

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Mr. P.R. Tandale, Advocate for the applicants
Smt. R.P. Gour, AGP for the Respondent – State
Mr. S.K. Mathpati, Advocate for the petitioner in W.P.
AND

REVIEW APPLICATION (CIVIL) NO.189 OF 2022
IN
WRIT PETITION NO.15175 OF 2019

1. The Chief Executive Officer,
Zilla Parishad, Latur
2. The Education Officer (Primary),
Zilla Parishad, Latur .. Applicants

Versus

1. Smt. Yojana D/o. Anantrao Ahankari
Age : 57 years, Occu : Service
A/p. Z.P.H.S., Jalkot,
Tq. Jalkot, Dist. Latur
2. Sunil Ganpatrao Dongre
Age : 55 years, Occu : Service,
A/p. Z.P.H.S., Nagarsoga,
Tq. Ausa, Dist. Latur
3. Chandrakant S/o. Shivrul Gavade
Age : 56 years, Occu : Service,
A/p. B.E.O., Panchayat Samiti, Jalkot,
Tq. Jalkot, Dist. Latur
4. The State of Maharashtra
Through its Principal Secretary,
School Education Department,
Mantralaya, Mumbai.
5. The State of Maharashtra
Through its Principal Secretary,
Finance Department,
Mantralaya, Mumbai.

6. The State of Maharashtra
Through its Secretary,
Rural Development and Water
Conservation Department,
Mantralaya, Mumbai.
7. The State of Maharashtra
Through its Secretary,
General Administrative Department,
Mantralaya, Mumbai.
8. The Divisional Commissioner,
Aurangabad. .. Respondents

...

Mr. P.R. Tandale, Advocate for the applicants
Mr. K.N. Lokhande, AGP for the Respondent – State
Mr. S.K. Mathpati, Advocate for the petitioner in W.P.

...

AND**REVIEW APPLICATION (CIVIL) NO.191 OF 2022**IN**WRIT PETITION NO.15049 OF 2017**

The Zilla Parishad, Beed,
Through its authorized officer
Parshuram Bappasaheb Arsul,
Age : 56 years, Occu : Service,
Assistant Administrative Officer,
Education Department, Zilla Parishad, Beed,
R/o. Near Mane Complex, Chanakyapuri, Beed. .. Applicant

Versus

1. The State of Maharashtra
Through the Secretary,
Education Department (Primary),
Mantralaya, Mumbai.
2. The State of Maharashtra
Through the Secretary,
Finance Department,
Mantralaya Mumbai.

3. The State of Maharashtra
Through the Secretary,
Rural Development and Water
Conservation Department,
Mantralaya Mumbai.
4. The State of Maharashtra
Through the Secretary,
General Administration Department,
Mantralaya, Mumbai.
5. The Director of Education,
Director Office, Pune.
6. The Divisional Commissioner (Education)
Aurangabad
7. The Deputy Director of Education
Aurangabad Region, Aurangabad.
8. The Education Officer (Primary),
Zilla Parishad, Beed
9. Atul Prabhakar Kulkarni
Age : 43 years, Occu : Service,
R/o. Raimoh, Tq. Shirur, Dist. Beed
At present Zilla Parishad Primary School,
Jatnandur, Tal. Shirur, Dist. Beed
10. Ranjeet Damuanna Misal
Age : 50 years, Occu : Service,
R/o. Khokarmoh, Tql. Shirur,
at present Zilla Parishad Primary School,
Bhankwadi (V), Kendra Raimoha, Tal. Shirur,
Dist. Beed.
11. Vikram Narayan Misal
Age : 48 years, Occu : Service,
R/o. Khokarmoh, Tal. Shirur,
At present Central Primary School,
Tagadgaon, Tal. Shrirur, Dist. Beed

12. Smt. Ayodhya Kisanrao Andhale
Age : 49 years, Occu : Service
R/o. Khokarmoh, Tal. Shirur,
At present Zilla Parishad Primary School,
Khokarmoh, Tal. Shirur, Dist. Beed.

13. Suman Bansidhar Jogdand
Age : 42 years, Occu : Service,
R/o. Pimpalgaon (M), Tal. Beed
At present Zilla Parishad Central
Primary School, Ashoknagar, Tal. Shirur,
Dist. Beed

..Respondents

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Mr. P.D. Suryawanshi, Advocate for the applicant
Mr. A.S. Shinde, AGP for respondent nos.1 to 7

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WITH
CIVIL APPLICATION NO.1206 OF 2022
IN
REVIEW APPLICATION (CIVIL) NO.191 OF 2022
IN
WRIT PETITION NO.15049 OF 2017

...

AND
REVIEW APPLICATION (CIVIL) NO.192 OF 2022
IN
WRIT PETITION NO.13015 OF 2019

The Zilla Parishad, Beed,
Through its Authorized Officer
Parshuram Bappasaheb Arsul
Age : 56 years, Occu : Service,
Assistant Administrative Officer,
Education Department, Zilla Parishad, Beed,
R/o. Near Mane Complex, Chanakyapuri, Beed

.. Applicant

Versus

1. The State of Maharashtra
Through the Secretary
Rural Development and Water Conservation
Department, Mantralaya Mumbai

2. The Education Officer (P),
Zilla Parishad, Beed.
3. Surekha Dattatrya Gore
Age : 50 years, Occu :Service,
R/o. Bansarola, Tal. Kaij, Dist. Beed. .. Respondents

...

Mr. P.D. Suryawanshi, Advocate for the applicant.
Smt. Vaishali N. Patil Jadhav, AGP for respondent no.1.

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WITH

CIVIL APPLICATION NO.1186 OF 2022

IN

REVIEW APPLICATION (CIVIL) NO.192 OF 2022

IN

WRIT PETITION NO.13015 OF 2019

..

AND

REVIEW APPLICATION (CIVIL) NO.194 OF 2022

IN

WRIT PETITION NO.14586 OF 2019

1. The Chief Executive Officer,
Zilla Parishad, Latur
2. The Education Officer (Primary),
Zilla Parishad, Latur .. Applicants

Versus

1. Sayyed Shabbir Bauadur
Age : 61 years, Occu : Retired,
A/p. Panchincholi, Tq. Nilanga,
Dist. Latur
2. The State of Maharashtra
Through its Principal Secretary,
School Education Department,
Mantralaya, Mumbai.
3. The State of Maharashtra
Through its Principal Secretary,
Finance Department,
Mantralaya, Mumbai.

4. The State of Maharashtra
Through its Secretary,
Rural Development and Water
Conservation Department,
Mantralaya, Mumbai.
5. The State of Maharashtra
Through its Secretary,
General Administrative Department,
Mantralaya, Mumbai.
6. The Accountant General-II (A & E)
Pension wing Old Building in front of
Ravi Bhawan, Nagpur.
7. The Divisional Commissioner,
Aurangabad .. Respondents

...

Mr. PR. Tandale, Advocate for the Applicants.
Mr. S.B. Yawalkar, AGP for Respondent Nos.2 to 7
Mr. S.K. Mathpati, Advocate for the petitioner in W.P.

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**CORAM : MANGESH S. PATIL &
SANDEEP V. MARNE, JJ.**

**RESERVED ON : 26-08-2022
PRONOUNCED ON : 30-08-2022**

JUDGMENT (*PER* SANDEEP V. MARNE, J.) :

. These review petitions have been filed by either State Government or by Zilla Parishad seeking review of various orders passed by this Court. Since the effect of various orders passed on different dates is common, the review is also sought on identical grounds. Therefore, we have clubbed all the review petitions, which are being decided by a common order.

2. The brief particulars in respect of the review petitions are as under:

Case No.	Issue	date of order under review	Review filed by
Review Application No.170/2022 in Writ Petition No. 13760 of 2019	Advance increments on account of certificate of excellent work.	14.11.2019	State Govt.
Review Application No.171/2022 in Writ Petition No. 11004 of 2019	Advance increments on account of certificate of excellent work.	05.09.2019	State Govt.
Review Application No.184/2022 in Writ Petition No. 4586 of 2019	Advance increments on account of certificate of excellent work.	23.09.2019	Z.P.
Review Application No.186/2022 in Writ Petition No. 4555 of 2019	Advance increments on account of certificate of excellent work.	23.09.2019	Z.P.
Review Application No.187/2022 in Writ Petition No. 11738 of 2019	Advance increment to district Awardee teachers	24.09.2019	Z.P.
Review Application No.190/2022 in Writ Petition No. 14754 of 2019	Advance increments on account of certificate of excellent work.	09.12.2019	Z.P.
Review Application No.195/2022 in Writ Petition No.9433 of 2019	Advance increments on account of certificate of excellent work.	25.09.2019	Z.P.
Review Application No.183/2022 in Writ Petition No. 14009 of 2019	Advance increment to District Awardee Teachers	20.11.2019	Z.P.
Review Application No.185/2022 in Writ Petition No.14592 of 2019	Advance increments on account of certificate of excellent work.	04.12.2019	Z.P.

Review Application No.188/2022 in Writ Petition No.15230 of 2019	Advance increment to District Awardee Teachers	17.12.2019	Z.P
Review Application No.191/2022 in Writ Petition No.15049 of 2017	Advance increment to District Awardee Teachers	20.12.2017	Z.P
Review Application No.192/2022 in Writ Petition No.13015 of 2019	Advance increment to District Awardee Teachers	17.10.2019	Z.P
Review Application No.194/2022 in Writ Petition No.14586 of 2019	Advance increment to District Awardee Teachers	04.12.2019	Z.P

3. In Writ Petition Nos.13760 of 2019, 11004 of 2019, 4586 of 2019, 4555 of 2019, 14754 of 2019, 9433 of 2019 and 14592 of 2019 this Court has declared that the Government Resolution dated 24.08.2017 will have prospective effect and would not operate retrospectively, meaning thereby that the benefit of advance increments on account of award of certificate of excellent work would continue to operate till 24.08.2017. In Writ Petition Nos.11738 of 2019, 14009 of 2019, 15230 of 2019, 15049 of 2017, 13015 of 2019 and 14586 of 2019 this Court has essentially held that the Circular dated 04.09.2018 discontinuing the scheme of grant of advance increment to District Awardee Teachers would apply prospectively with a further direction that if the teachers are awarded certificates prior to 04.09.2018, they be granted advance increment

as per the Government Resolution dated 12.12.2000.

4. Thus, both the schemes for grant of advance increment to employees with certificate of excellent work and District Awardee Teachers have been withdrawn by Government Resolution dated 24.08.2017 and Circular dated 04.09.2018, respectively. This Court, therefore, held that upto the date of issuance of the said Government Resolution dated 24.08.2017 and Circular dated 04.09.2018, the respective schemes were in vogue and therefore, the teachers / employees eligible for grant of advance increment would be entitled to the same upto the date of the issuance of the said Government Resolution and Circular.

5. The State Government and Zilla Parishads are aggrieved by the said directives and have filed the present review petitions.

6. We must note at the outset that none of the review petitions make out any specific ground of existence of any error apparent on face of record. In fact, perusal of various orders passed in the writ petitions would show that none of the points that are canvassed before us today were ever argued before this Court when the writ petitions were decided. The State Government and the Zilla

Parishads cannot be permitted to raise arguments which were never canvassed at the time of the decision of the writ petitions. Therefore, we would have been justified in rejecting the present review applications summarily on this ground alone. However, Mr. V.J. Dixit, learned Senior Counsel appearing for the State Government submitted that the State Government must be given an opportunity to put forth the correct factual and legal position, so that correct decision would be arrived at. Though this cannot be a ground for review, we have proceeded to hear the Counsels for the review applicants in view of the peculiar facts and circumstances of the case and also, with the view to give a quietus to the entire issue.

7. Mr. V.J. Dixit, the learned Senior Counsel for the State has taken us through series of administrative instructions issued by the State Government in the form of Government Resolutions or Circulars. His principal contention is that even though the scheme for grant of advance increment was commenced by clause 12 of Circular dated 12.12.2000, there was a specific recommendation made way back on 27.02.2009 while implementing the provisions of the 6th pay commission to discontinue the system of grant of advance increments. In support of his contention, Mr. Dixit relied upon Government Resolution dated 27.02.2009 by which the State

Government had accepted various recommendations of Hakim Committee for implementation of the 6th Central Pay Commission. Inviting our attention to item 27 in the annexure to the said Government Resolution, Mr. Dixit submitted that the Committee had recommended separate system for outstanding work and consequent stoppage of the system of grant of one or two advance increments. He, therefore, submitted that 25.02.2009 should be construed as the relevant date whereby the scheme for grant of advance increments was discontinued.

8. Mr. Dixit also placed reliance on Circular dated 03.07.2009 in which it was observed that for final acceptance of recommendations of Hakim Committee with regard to grant of advance increments some time was required and therefore, it was directed to undertake the exercise of pay fixation in the 6th pay commission scales on a temporary basis without additional increments. He, therefore, submitted that the said Circular dated 03.07.2009 once again gave a directive for discontinuation of scheme for advance increments.

9. Based on above submissions, Mr. Dixit further submitted that this Court committed an error in assuming that the schemes for

grant of advance increments were discontinued by the Government Resolution dated 24.08.2017 and Circular dated 04.09.2018. He, therefore, prayed for review and recall of the respective orders.

10. Mr. Avinash D. Aghav, Mr. P.D. Suryawanshi, Smt. Manjusha V. Narwade h/f. Mr. V.P. Narwade and Mr. P.R. Tandale learned Counsels appearing for Zilha Parishads have adopted the submissions of Mr. Dixit.

11. We have also heard learned Counsels appearing for the original petitioners, who have opposed the present review petitions. According to them, the scheme of grant of advance increments got discontinued only by way of Government Resolution dated 24.08.2017 and Circular dated 04.09.2018 and that this Court has not committed any error in directing grant of benefit of advance increments to the petitioners who were eligible as on 24.08.2017 and 04.09.2018. They pray for rejection of the review petitions.

12. After having heard learned Counsels at length, we find that the review applicants have not been able to point out any specific instructions issued prior to 24.08.2017 / 04.09.2018 for discontinuation of the schemes for grant of advance increments.

Government Resolution dated 27.02.2009 and Circular dated 03.07.2009 do not indicate that any final decision was taken for discontinuation of schemes for advance increments. We proceed to examine the Government Resolution dated 27.02.2009 and Circular dated 03.07.2009 in details.

13. Government Resolution dated 27.02.2009 came to be issued by the State Government essentially for conveying the decision of the State Government about acceptance or otherwise of various recommendations made by the Hakim Committee constituted for implementation of recommendations of the 6th Central Pay Commission. In Annexure to the said Government Resolution, each recommendation and decision of the State Government thereon have been enumerated. So far as the scheme for advance increment is concerned, the same is to be found at serial number 27 of the Annexure (para 3.24 of Committees Report). In that paragraph, the Committee recommended that for employees/Officers rendering outstanding service, increment @ 4% be awarded instead of 3% and such increment be granted once in 5 years. It was further recommended that since increment at higher rate was being granted, the then existing scheme for grant of one or two advance increments be discontinued. However, in the column 'Decision of State

Government' against para 3.24, remark is made stating that 'separate action would be taken by General Administration Department'. As against various other recommendations, the remark 'accepted' has been made. The recommendation made in para 3.24 by the Hakim Committee was not accepted at least on the date of issuance of Government Resolution dated 27.02.2009 and General Administration Department was to take a decision thereon separately. Thus, it cannot be inferred that any specific decision was taken by the State Government on 27.02.2009 for discontinuation of scheme for grant of advance increment. Therefore, we do not find that the orders under review need to be disturbed on the basis of the Government Resolution dated 27.02.2009.

14. Now, we come to the Circular dated 03.07.2009. By the said Circular, it was directed that the issue of discontinuation of scheme for grant of advance increment was under consideration with the State Government and that some time was required for taking final decision. Therefore, it was further directed that temporarily the pay fixation of the employees in the 6th Pay Commission scales be made without considering the advance increments. Thus, the Circular dated 03.07.2009 was clearly issued as a temporary measure. The said circular did not communicate any decision to the

effect that the State Government discontinued the scheme for grant of advance increments. Therefore, we find that the reliance of Mr. Dixit on the Circular dated 03.07.2009 is again of no avail.

15. We have carefully gone through the Government Resolution dated 24.08.2017 and Circular dated 04.09.2018. By the Government Resolution dated 24.08.2017, final decision came to be taken in respect of recommendation made by the Hakim Committee in para 3.24 of its report directing that during the period from 01.10.2006 to 01.10.2015 when revised pay scales as per 6th Pay Commission were admissible, the benefit of advance increments should not be granted. Thus, the final decision on para 3.24 of Committees Report was taken by the State Government only on 24.08.2017. However, instead of simply directing that the scheme for grant of advance increments is discontinued, the State Government sought to give retrospective effect to its decision by directing that the benefit of such advance increments be not given during the period from 01.10.2006 to 01.10.2015. While issuing such orders having retrospective effect, the State Government lost sight of the fact that several employees were already granted the benefit of advance increments during the relevant period. As we have observed earlier, the deliberations for discontinuation of the scheme started only on

27.02.2009 / 03.07.2009 and prior to that, admittedly, the issue of discontinuation of the scheme for grant of advance increment was not even under consideration. The instructions for temporarily doing pay fixation without advance increments were issued on 03.07.2009. This means that several employees must have already been granted advance increments during the period from 01.10.2006 to 03.07.2009. We, therefore, fail to comprehend as to how the State Government could have issued directions on 24.08.2017 that the benefit of advance increments should not be granted from 01.10.2006 onwards. Even in respect of employees becoming eligible for grant of advance increments after 27.02.2009, we do not find any error in the view taken by this Court that the Government Resolution dated 27.08.2017 would only have prospective effect.

16. Mr. Dixit relied upon the judgment of the Apex Court in **Union of India Vs. M.V. Mohanan Nair, AIR Online 2020 SC 617** in support of his contention that this Court should be loath in interfering with the recommendations of expert bodies like pay commission. We respectfully agree with the said proposition, but fail to comprehend as to how the said proposition can come to the aid of Mr. Dixit. In this case, the policy decision had been taken by the State Government which was discontinued in the year 2017-18.

It is not that this Court has interfered in any of the policy decisions of the State Government nor has this Court shifted any cut off date. Therefore, the decision has no application.

17. Mr. Dixit also relied upon the judgment of the Apex Court in **Parisons Agrotech (P) Ltd., Vs. Union of India, AIR 2015 SC 3335** in support of his contention that the decisions taken in public interest cannot be held to be arbitrary. However, we do not find that this Court has transgressed its boundaries in holding that the concerned Government Resolutions / Circulars would have prospective effect. Therefore, this decision also has no application to the facts and circumstances of the present case.

18. Mr. Mathpati appearing for the original petitioners relied upon several decisions of this Court relating to the same issue and submitted that the State Government has not sought review of those. He relied upon the decision of this Court in **Raosaheb Shripati Desai & Ors. Vs. The State of Maharashtra, Writ Petition No.12531 of 2019** decided on **04.05.2021** by which this Court has granted the benefit of advance increments and has stopped the recovery. He submitted that the Special Leave to Appeal filed by the **Zilla Prishad** against the said decision in **Raosaheb Shripati Desai** (supra)

has been dismissed by the Apex Court by its order dated 20.07.2022. He also relied on the decision of this Court in **Nitin Dattatraya Pawar and Ors Vs. The State of Maharashtra & Ors, Writ Petition No.8818 of 2018** decided on 10.03.2021 in respect of District Awardee Teachers, who were awarded certificates prior to 04.09.2018 and whose entitlement to the advance increments have been upheld by this Court. He further pointed out that in Special Leave to Appeal (C) No.19730 of 2021 filed by Zilla Prishad against the said order, the Hon'ble Apex Court passed the following order:

“It is not in dispute that, prior to 04.09.2018, the District Awardees were entitled to get the additional increment. It was only pursuant to the Circular dated 04.09.2018, the District Awardees were not entitled to get the additional increment. Therefore, for the period prior to 04.09.2018, the District Awardees were entitled to get the additional increment and, therefore, no error has been committed by the High Court in directing the benefit of additional increment to the District Awardees for the period prior to 04.09.2018.

We are in complete agreement with the view taken by the High Court. The Special Leave Petition stands dismissed.”

Thus, one of the orders passed by this Court involving similar issue has already been upheld by the Apex Court. It is incomprehensible how State Government can seek review in present cases having unsuccessful in the challenge before the

Apex Court.

19. In the recent judgment, the Apex Court has reiterated the scope of review in **S. Madhusudhan Reddy Vs. V. Narayana Reddy and Others, 2022 SCC OnLine SC 1034** in which it is held in para 31 as under :

“31. As can be seen from the above exposition of law, it has been consistently held by this Court in several judicial pronouncements that the Court’s jurisdiction of review, is not the same as that of an appeal. A judgment can be open to review if there is a mistake or an error apparent on the face of the record, but an error that has to be detected by a process of reasoning, cannot be described as an error apparent on the face of the record for the Court to exercise its powers of review under Order XLVII Rule 1 CPC. In the guise of exercising powers of review, the Court can correct a mistake but not substitute the view taken earlier merely because there is a possibility of taking two views in a matter. A judgment may also be open to review when any new or important matter of evidence has emerged after passing of the judgment, subject to the condition that such evidence was not within the knowledge of the party seeking review or could not be produced by it when the order was made despite undertaking an exercise of due diligence. There is a clear distinction between an erroneous decision as against an error apparent on the face of the record. An erroneous decision can be corrected by the Superior Court, however an error apparent on the face of the record can only be corrected by exercising review jurisdiction. Yet another circumstance referred to in Order XLVII Rule 1 for reviewing a judgment has been described as “for any other sufficient reason”. The said phrase has been explained to mean “a reason sufficient on grounds, at least analogous to those specified in the rule”.

20. In the result, we do not find that any case is made out by the review applicants for review of the orders passed by this Court. The review applications are accordingly dismissed without any order as to costs.

(SANDEEP V. MARNE, J.)

(MANGESH S. PATIL, J.)

G G P