

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

WRIT PETITION NO. 2875 OF 2021

JAGANNATH RANGANATH BOBADE AND OTHERS
VERSUS
STATE OF MAHARASHTRA AND OTHERS

.....
Mr. E. S. Murge, Advocate for the petitioners
Mrs. M.A. Deshpande, AGP for respondent/State
.....

CORAM : C. V. BHADANG
AND
SANDIPKUMAR C. MORE, JJ.

DATE : JULY 15, 2022

PER COURT : -

1. By this petition, the petitioner is seeking a direction to the respondent to grant an additional increment to the petitioner on account of the conferral of district teacher award on the petitioner in view of circular dated 12.12.2000.

2. The issue as raised in the petition is covered by several decisions of the Court including the decision in Writ Petition No. 8140/2019 decided on 04.07.2019 at Aurangabad bench. It appears that there was Writ Petition No. 8818/2018 at the Principal Seat in which by a judgment and order dated 10.03.2021, a similar relief was granted. That order was carried to the Supreme

Court in SLP No. 19730/2021, which has been disposed of on 13.03.2021 in the following terms.

“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.”

3. It can thus be seen that consistently it has been held that withdrawal of the benefit by the Government Resolution dated 04.09.2018 cannot act retrospectively. As a result, all such teachers who are district awardees prior to 04.09.2018, will continue to get the benefit of additional increment as per the Government Circular of the year 2000.

4. The learned counsel for the respondent – Zilla Parishad contended that the facts in the present case are distinguishable as the claim is contested on behalf of the Zilla Parishad unlike in some of the orders, according to him, the order was granted on concession/admission by the Zilla Parishad. However, no such order has been pointed out to us. The various orders passed are on merits and not on concession and that apart even the State Government by its letter dated 01.07.2022, after taking note of the various decisions has directed all the Zilla

Parishads to grant the benefit to those district awardees who were conferred with such awards prior to 04.09.2018. Thus, the contention on behalf of the respondent cannot be accepted.

5. In the result, the petition is allowed.

6. The respondent - Zilla Parishad shall consider the case of the petitioner for grant of additional increment as per the Government Circular dated 12.12.2000 and after verifying the fact that the petitioner was conferred with the district teacher award prior to 04.09.2018, shall pass necessary orders conferring such benefit within a period of three (03) months from today.

7. Petition stands **disposed of** in the aforesaid terms.

SANDIPKUMAR C. MORE, J.

C. V. BHADANG, J.