

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

WRIT PETITION NO.15209 OF 2019

1. Ganesh Mohan Bagul,
Age : 40 years, Occu: Teacher,
At Z. P. P. S. Mohadi,
Post Mohadi Tq. Jalgaon,
District Jalgaon
2. Pramod Dattu Patil,
Age : 45 years, Occu: Teacher,
At Z. P. P. S. Junone,
Post Junone Tq. Raver,
District Jalgaon
3. Shaligram Shivaji Nikam
Age : 51 years, Occu: Teacher,
At Z. P. H. P. S. Malshevge,
Post Malshevge Tq. Chalisgaon,
District Jalgaon
4. Shrikrushna Pralhad Patil,
Age : 51 years, Occu: Teacher
At Z. P. P. S. Kanhale,
Post Kanhale (B) Tq. Bhusawal,
District Jalgaon
5. Dipak Bhivsan Patil,
Age : 45 years, Occu: Teacher,
At Z. P. P. S. Devgaon Boys
Post Devgaon Tq. Parola,
District Jalgaon
6. Smt. Seema Dnyandeo Jawale,
Age : 43 years, Occu: Teacher,
At Z. P. P. S. Padalse,
Post Padalse Tq. Yaval,
District Jalgaon
7. Smt. Alka Anand Patil
Age : 43 years, Occu: Teacher
At Z.P.P.S. Kadholi,
Post Kadholi Tq. Erandol,
Dist. Jalgaon

8. Macchindra Ramesh Koli
Age : 41 years, Occu: Teacher
At Z.P. Shivaji Adarsh, Central
School, Hated,
Tq. Chopda Dist. Jalgaon.
9. Chandrakant Bhila Patil
Age : 43 years, Occu: Teacher
At Z.P.P.S. Shirud,
Post Shirud Tq. Amalner,
Dist. Jalgaon.
10. Rajendra Baban Rathod
Age : 42 years, Occu: Teacher
At Z.P.P.S. Vadgaon Kade,
Post Vadgaon Kade Tq. Pachora
Dist. Jalgaon
11. Bhimrao Shaligram Pawar
Age: 50 years, Occu: Teacher,
At Z.P.P.S. Muktainagar
Post Muktainagar. Tq. Muktainagar,
Dist. Jalgaon.
12. Sunil Baburao Mali
Age : 44 years Occu: Teacher
At Z.P.P.S. Jamthi,
Post Jhamathi Tq. Bodwad
Dist. Jalgaon

... PETITIONERS

VERSUS

1. The State of Maharashtra
through its Principal Secretary,
School Education Department
Mantralaya, Mumbai – 400 032
2. The State of Maharashtra,
through its Principal Secretary,
Finance Department,
Mantralaya, Mumbai – 400 032
3. The State of Maharashtra
through its Secretary
Rural Development & Water
Conservation Department
Mantralaya Mumbai 400 032
4. The State of Maharashtra
through its Secretary

- General Administration Department
Mantralaya Mumbai 400 032
5. The Divisional Commissioner
Nashik
 6. The Chief Executive Officer
Zilla Parishad, Jalgaon
Tq. & Dist. Jalgaon
 7. The Education Officer (Primary)
Zilla Parishad, Jalgaon,
Tq. & Dist. Jalgaon

... RESPONDENTS

**WITH
WRIT PETITION NO.11532 OF 2019**

CHANDRASHEKHAR KALURAM SHIRURE AND ORS.
VERSUS
THE STATE OF MAHARASHTRA AND ORS.

**WITH
WRIT PETITION NO.9415 OF 2021**

UMESH RAGHUNATH KHOSE AND ANR.
VERSUS
THE STATE OF MAHARASHTRA AND ORS.

**WITH
WRIT PETITION NO.11544 OF 2019**

SAINATH VITTHALRAO KAWAR AND ORS.
VERSUS
THE STATE OF MAHARASHTRA AND ORS.

**WITH
WRIT PETITION NO.5671 OF 2021**

TUKARAM KANIRAM CHAVAN AND ORS.
VERSUS
THE STATE OF MAHARASHTRA AND ORS.

**WITH
WRIT PETITION NO.11534 OF 2019**

KASHINATH BHAURAO JADHAV AND ORS.
VERSUS
THE STATE OF MAHARASHTRA AND ORS.

...
 Advocate for Petitioners : Mr. Shivkumar K. Mathpati
 Advocate for Respondent No.6 : Mr. Sachin B. Mundhe
 AGP for Respondents: Mr. S.B. Yawalkar

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

DATE : 24.08.2022

ORAL ORDER (SANDEEP V. MARNE, J.) :

Writ Petition No.15209/2019 is listed on board today. We have heard Mr. Mathpati appearing for the petitioners. He submits that Writ Petition No.11532/2019, Writ Petition No.9415/2021, Writ Petition No.11544/2019, Writ Petition No.5671/2021 and Writ Petition No.11534/2019 also involve the same issue and he requests that the said petitions may be taken on board and heard together with Writ Petition No.15209/2019. Accordingly all the above mentioned Writ Petitions are also taken on board and a common order is being passed.

2. In these petitions, the prayer is for grant of one additional increment to awardee teachers in pursuance of Clause (12) of the circular dated 12.12.2000 issued by the Rural Development and Water Conservation Department. It is a common ground that the provision in Clause (12) of the circular dated 12.12.2000 has been deleted by the circular dated 04.09.2018 issued by the Rural Development Department. The only issue that Mr. Mathpati raises is that even though the petitioners herein are not actually granted the award, the entire process for grant of award was complete. In fact in Writ Petition No.15209/2019, the Additional Commissioner had

sanctioned the proposal for grant of awards to the petitioners therein on 04.09.2018. On the same day, the State Government was pleased to withdraw the scheme of grant of additional increment to awardee teachers.

3. Mr. Mathpati submits that since the entire procedure for grant of award was already completed, the petitioners are required to be treated as awardee teachers and are required to be granted the benefit of advance increment under Clause (12) of the circular dated 12.12.2000.

4. He relied upon the decision of this Court in **Ananta Sakharam Jadhav and Ors. Vs. the State of Maharashtra and Ors. (Writ Petition No.13440/2017 decided on 09.06.2022)**.

5. Learned AGP Mr. Yawalkar appearing for the State Government has opposed the petitions. According to him, since the scheme of grant of advance increment is discontinued by circular dated 04.09.2018, there is no question of granting such increment to the petitioners who admittedly were not granted awards on or before 04.09.2018.

6. It is an admitted position that as on date of issuance of the circular dated 04.09.2018, the petitioners were not in receipt of the award, which was a mandatory condition for grant of increment under the circular dated 12.12.2000. We are not impressed by the submission of Mr. Mathpati that since the proposal for grant of award was already sanctioned, the petitioners are required to be treated as deemed awardees. We, therefore, reject the said contention.

7. So far as reliance of Mr. Mathpati on the order of this Court in

Ananta Sakharam Jadhav (supra) is concerned, the facts therein are clearly distinguishable. In that case, the awards were already granted as per the GR dated 07.02.2014. Thus the petitioners therein were already recipients of the awards well before the issuance of the circular dated 04.09.2018. Therefore, the decision in **Ananta Sakharam Jadhav** (supra) is of little assistance to the petitioners.

8. In the result, we do not find any merit in the petitions and the same are dismissed without any order as to costs.

(SANDEEP V. MARNE, J.)

(MANGESH S. PATIL, J.)

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