

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO. 3393 OF 2021

1. Anil Bapurao Khakse,
aged about 57 years, Occ. Service,
R/o Nehru Nagar Dhamangaon Railway,
District Amravati.
2. Siddharth Ramraoji Ramteke,
aged about 56 years, Occ. Service,
R/o Kamble Layout, Mankarna Nagar,
District Amravati.
3. Minakshi Deepakrao Mahalle,
aged about 59 years, Occ. Retired,
R/o Professor Colony, Balaji Nagar, Paratwada,
Tq. Achalpur, District Amravati.
4. Dildar Aptaap Shah,
aged about 58 years, Occ. Retired,
R/o At Po. Shivangaon, Tah. Tiwasa, District Amravati.
5. Bhaskar Natthuji Dabhade,
aged about 54 years, Occ. Service,
R/o Milind Colony, near Pathyapustak Mandal,
District Amravati.
6. Pradeep Hargovind Bante,
aged about 52 years, Occ. Service,
R/o At Po. Pethe Nagar, Dhamangaon Railway,
Tq. Dhamangaon Railway, District Amravati.
7. Vijay Motiramji Sagle,
aged about 50 years, Occ. Service,
R/o Nidhi Sakshi Apartment,
Plot No. 103, Wadali Naka, District Amravati.
8. Chaaya Raman Deshmukh,
aged about 53 years, Occ. Service,
R/o Brahman Sabaha Colony, Paratwada,
Tq. Achalpur, District Amravati.

9. Krushna Shankarrao Nichat,
aged about 50 years, Occ. Service,
R/o Kholeshwar Chowk, Sirajgaon Kasba,
Tq. Chandur Bajar, District Amravati.
10. Nila Sanjay Gulhane,
aged about 53 years, Occ. Service,
R/o Behind Hero Showroom, Amravati Road,
Devkali, Paratwada, Tq. Achalpur, District Amravati.
11. Jayprakash Sundarnarayan Chithore,
aged about 56 years, R/o At Sindhi Po. Pathrot,
Tq. Achalpur, District Amravati.
12. Kanta Balaji Mate,
aged about 45 years,
C/o Prabhakar Upasrao Gaykki,
R/o Pradhnya Colony, Simbhora Road,
Morshi, Tq. Morshi, District Amravati.
13. Rajesh Ratanlal Gupta,
aged about 48 years, Occ. Service,
R/o Vrundavan Kavita Road, Kandali,
Paratwada, Tq. Achalpur, District Amravati.
14. Nandkumar Madhukarrao Bhakre,
aged about 57 years, Occ. Service,
R/o Govind Nagar, Kathora Road,
V.M.V., Amravati.
15. Suresh Babarao Bhuyar,
aged about 55 years, Occ. Service,
R/o Arjun Nagar, Medical Colony, Amravati.
16. Vinayak Janrao Lakde,
aged about 48 years, Occ. Service,
R/o At Po. Bhatkuli, District Amravati.
17. Archana Motirao Mahore,
aged about 49 years,
C/o Sudhir M. Dhole,
R/o At Po. Loni, Tq. Warud, District Amravati.

18. Ashok Shyamravji Datir,
aged about 57 years, Occ. Service,
R/o Gajanan Nagar, Navi Vasti, Badnera.

...PETITIONERS

Versus

1. State of Maharashtra,
through its Secretary,
Rural Development and Water Conservation Department,
Mantralaya, Mumbai – 32.
2. State of Maharashtra,
through its Secretary,
School Education and Sports Department,
Mantralaya, Mumbai – 32.
3. Divisional Commissioner,
Amravati Division, Amravati,
Tq. and District – Amravati.
4. Zilla Parishad, Amravati,
through its Chief Executive Officer, Amravati,
Tq. and District – Amravati.
5. Education Officer (Primary),
Zilla Parishad, Amravati,
Tq. and District – Amravati.

...RESPONDENTS

Mr. A.R. Deshpande, Advocate for the petitioners.
Ms. H.N. Jaipurkar, A.G.P. for respondent Nos. 1 to 3.
Mr. S.S. Shinde, Advocate for respondent Nos. 4 and 5.

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**CORAM : A.S. CHANDURKAR AND
PUSHPA V. GANEDIWALA, JJ.
DATED : JANUARY 21, 2022.**

ORAL JUDGMENT (PER : PUSHPA V. GANEDIWALA, J.) :

Rule. Rule made returnable forthwith. Heard finally by consent of the learned counsel for the respective parties.

2. The petitioners are the employees of Schools in Zilla Parishad, Amravati, and have been selected as the District Awardee Teachers in different years up to 2017 and some of them are retired by now. By way of the present petition, the petitioners are seeking directions to grant benefit of one additional increment to them with effect from the date of their selection for District Teacher Award as per the Government Circular dated 12/12/2000. Further directions are sought to release the arrears of the said benefit to the petitioners along with interest.

3. Mr. Deshpande, learned counsel for the petitioners, submitted that the issue involved in the present Writ Petition is covered by the judgment passed by this Court in **Writ Petition No. 5419/2018** decided on **14/02/2019 (Sanjay Ramkrushan Waghmare & Ors. Vs. State of Maharashtra & Ors.)** and other connected matters, wherein this Court followed the view taken by the Aurangabad Bench of this Court in Writ Petition No.

1954/2018 decided on 25/01/2019 that the Government Resolution dated 04/09/2018 cannot be interpreted to be issued with any retrospective effect. It is further held that the petitioners are entitled to the benefit of grant of advance increment in terms of the Government Circular dated 12/12/2000 from such dates as would be applicable to them and determined to be so on merit of each of the individual matter by the Zilla Parishads.

To the objection raised on behalf of the Zilla Parishads that most of the petitioners approached this Court belatedly, and therefore, if any benefit of Clause 12 of the Government Circular dated 12/12/2000 is to be given, it cannot be permitted to be conferred upon them for a period which is more than three years computed in a reverse manner from the date of filing of the petitions, this Court observed that in that case, it would be for the authorities to take appropriate decision on individual basis in the matter by taking into consideration not only the judgment dated 05/04/2018 of this Court in Writ Petition Nos. 8165/2017 and 8170/2017 but also other applicable judgments as expeditiously as possible and

preferably within a period of six months.

4. We do not see any good ground to take a different view in the matter. Hence, the Writ Petition is allowed in terms of the judgment dated 14/02/2019 in Writ Petition No. 5419/2018. Needless to state that in case, any recovery has been affected by the Zilla Parishad, the amount recovered shall be reimbursed to the respective petitioners within time frame stipulated hereinabove.

5. Rule is made absolute in the aforesaid terms with no order as to costs.

(JUDGE)

(JUDGE)

Sumit