

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

WRIT PETITION NO.815 OF 2021

1. Sharad Manohar Uplapwar,
Aged about 55 years, Occu. Service,
R/o Kamtha Chowk, At post Amgaon,
Tq. Amgaon, Dist. Gondia

2. Sukhram Dajiba Kapgate,
Aged about 54 years. Occu. Service,
R/o Pragati Colony, Shendurwafa,
Sakoli, At post Sakoli,
Tq. Sakoli, Dist. Gondia

3. Sushil Baliram Paulzagde,
Aged about 47 years,
Occu. Service, R/o Kindgipar,
At post Amgaon, Tq. Amgaon,
Dist. Gondia

... Petitioners

Vs.

1. Divisional Commissioner,
Nagpur Division, Nagpur
2. The Zilla Parishad, Gondia
Through its Chief Executive Officer,
Tq. & Dist. Gondia
3. Education Officer (Primary)
Zilla Parishad, Gondia,
Tq. & District Gondia
4. Chief Accounts and Finance Officer,
Zilla Parishad, Gondia,
Tq. And District Gondia

... Respondents.

Shri A. R. Deshpande, Advocate for petitioners
Shri Amit Madiwale, Assistant Government Pleader for respondent No.1.
Ms Meghna Munshi, Advocate for respondent Nos.2 and 3.

CORAM : A. S. CHANDURKAR AND G. A. SANAP, JJ.

DATE : February 24, 2022

Oral Judgment (Per : A. S. Chandurkar, J.)

Rule. Rule made returnable forthwith and heard the learned counsel

for the parties.

The learned counsel for the petitioners submits that similarly placed Assistant Teachers from Zilla Parishad, Gondia had preferred Writ Petition No.5421/2018 (*Hariram Keshorao Yelane and ors. vs. State of Maharashtra, Thr. Its Secretary Rural Development & Water Conservation Dept. and ors.*) seeking similar relief and the same was granted by this Court on 14/02/2019. The petitioners claim to be District Awardee Teachers having received such recognition prior to 04/09/2018. It is their case that in view of Government Circular dated 12/12/2000 they are entitled for an additional increment in addition to regular increments. The Zilla Parishad however on 04/01/2020 through its Education Officer (Primary) was pleased to direct stoppage of such additional increment from the date it was initially granted pursuant to the order dated 04/05/2010 passed by the Chief Executive Officer. The petitioners therefore pray that similar relief as granted in the aforesaid writ petition be granted to them and till their cases are examined by the Zilla Parishad the benefits presently being given be continued.

2. The fact of recovery and engagement of the petitioners with the Zilla Parishad is not disputed by the learned counsel appearing for the respondent Nos.2 and 3. It is however submitted that the entitlement of the petitioners to receive such additional increment would be required to be considered by the Zilla Parishad. Such directions were infact issued while

deciding Writ Petition No.5421/2018.

3. We find that the petitioners are similarly situated as the petitioners in Writ Petition No.5421/2018 which also pertains to Zilla Parishad Gondia. We are therefore inclined to follow the directions issued by this Court in that writ petition. Accordingly for reasons recorded in aforesaid judgment, the following order is passed :

The respondent/Zilla Parishad after satisfying itself about the petitioners being District Awardee Teachers having been awarded certificates prior to 04/09/2018 shall individually consider the case of the petitioners for additional increment as is laid down under the Government Circular dated 12/12/2000. The same shall be considered on merits of each individual case by considering the judgments rendered in all the applicable cases as expeditiously as possible and preferably within a period of six months. Till such exercise is completed by the Zilla Parishad, the additional increment which the petitioners have presently received shall not be withheld till the adjudication is completed by the Zilla Parishad.

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

(G. A. Sanap, J.)

(A. S. Chandurkar, J.)