

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

WRIT PETITION NO. 3394 OF 2021

1. Rameshwar Mohanlalji Vikhar,
aged about 61 years, Occ. Retired,
R/o Sanket Colony, VMV Road,
District – Amravati.
2. Uttam Ramchandrajji Raut,
aged about 59 years, Occ. Service,
R/o Vidarbha Colony, Tq. Morshi,
District – Amravati.
3. Dyaneshwar Motiram Yawale,
aged about 61 years, Occ. Retired,
R/o Shivaji Nagar, Warud,
District – Amravati.
4. Sau. Sunanda Sudhakar Rao Sao,
aged about 58 years, Occ. Retired,
R/o Yashoda Nagar 60.1, near Andeshwar Mandir,
District – Amravati.
5. Dashrat Dagaji Prajapat,
aged about 58 years, Occ. Service,
R/o at Po. Talai, Tq. Dharni,
District – Amravati.
6. Prakash Vishwanath Borkar,
aged about 63 years, Occ. Retired,
R/o Pawan Nagar, New Town Badnera,
District – Amravati.
7. Mukund Abhimanji Gajbhiye,
aged about 55 years, Occ. Service,
R/o Urvashi Nagar, Kathora Road,
District – Amravati.
8. Ravindra Pundalikrao Chaware,
aged about 56 years, Occ. Service,
R/o Purva Layout Sainagar,
District – Amravati.

9. Sau. Pushpa Prakash Borkar,
aged about 63 years, Occ. Retired,
R/o Pawan Nagar, New Town Badnera,
District – Amravati.
10. Bapurao Zibalji Gedam,
aged about 63 years, Occ. Retired,
R/o Shrikrushna Nagar, Shivrajgaon Band,
Tq. Chandur Bazar, District – Amravati.

...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.
Mrs. N.P. Mehta, A.G.P. for respondent Nos. 1 to 3.
Mr. S.S. Shinde, Advocate for respondent Nos. 4 and 5.

.....

**CORAM : A.S. CHANDURKAR AND
PUSHPA V. GANEDIWALA, JJ.
DATED : JANUARY 20, 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 2012. 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. That petitioner Nos. 1, 2 and 3 are seeking reimbursement of amount of advance increment, which was recovered by respondent Nos. 4 and 5.

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.

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

(JUDGE)

(JUDGE)

Sumit