

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

**WRIT PETITION NO.3283 OF 2023**

**SARJERAO SHAMRAO GADADE AND OTHERS  
VERSUS  
THE STATE OF MAHARASHTRA THROUGH ITS  
SECRETARY AND OTHERS**

...

Advocate for the Petitioners : Shri Vishal A. Bagal Patil  
AGP for Respondent 1/State : Shri S.G. Karlekar  
Advocate for Respondents 2 and 3 : Shri Vinod M. Vibhute

...

**CORAM : RAVINDRA V. GHUGE  
&  
SANJAY A. DESHMUKH, JJ.**

**DATE :- 21<sup>st</sup> March, 2023**

**Per Court :-**

1. Considering the settled position of law and numerous judgments and orders delivered by this Court, as also at the Principal Seat and the Nagpur Bench, we do not find that the Petitioners can be deprived of the benefits of the Government Resolution dated 12.12.2000. The subsequent Government Resolution dated 04.09.2018, is held to be applicable prospectively.
2. Suffice it to say that the Petitioners are the District Awardees. They are considered to be scholarly teachers. The

Government Circular Resolution dated 12.12.2000 introduced an additional increment to the teachers, as an incentive. By the Government Circular dated 04.09.2018, monetary benefit of additional increment was discontinued and this Court has come to the conclusion in a catena of judgments that the said Government Circular would only apply prospectively and not retrospectively.

3. The Petitioners have tendered before us, a short note under the signature of the the learned Advocate, dated 21.03.2023 along with three annexures (six pages), which are taken on record and collectively marked as “X” for identification. In the minutes of meeting of the Selection Committee dated 01.09.2018, constituted for selecting the district-wise teachers for being honoured with the District Awards for the academic year 2018-2019, the names of these Petitioners are enlisted as being those, who are selected for such honour.

4. The learned Advocate for the Zilla Parishad submits that the names of these Petitioners are mentioned in the said minutes of meeting, which would indicate that they have been selected for the said honour.

5. This Court has concluded in Writ Petition No.3193/2020 filed by *Limbajirao Kisanrao Hajare and another vs. The State of Maharashtra and others*, decided on 07.07.2021, and several such matters, that if such teachers are selected for the honour as District Awardees prior to the introduction of the Government Circular dated 04.09.2018, they could be considered for additional increment in terms of the Government Resolution dated 12.12.2000. It has also been held by this Court that the said circular will have prospective effect.

6. Since these Petitioners have pointed out, undisputedly, that their selection was in the meeting dated 01.09.2018 and the decision was arrived at to award them with the honour of District Awardee Teachers, it is obvious that the decision has been arrived at prior to 04.09.2018. Fate of these Petitioners would have been different if the Divisional Commissioner, who is supposed to scrutinize and ratify such decisions to make it final, would have concluded that some of these Petitioners were not entitled for the said award. However, in the instant case, the Divisional Commissioner has approved the decision of the Selection Committee and ratified the selection of the Petitioners. Therefore, as regards the effect of the rejection

such recommendations by Divisional Commissioner, we leave this legal issue open to be dealt with in an appropriate case.

7. In view of the above, **this Writ Petition is disposed off** with the following directions:-

(a) The Respondent/ Zilla Parishad would verify that the Petitioners are the District Awardee Teachers and the decision to award them with such honour has been arrived at prior to 04.09.2018.

(b) After such confirmation, the Petitioners would be entitled for additional increment in terms of the Government Resolution dated 12.12.2000.

(c) The above stated exercise shall be completed within sixty days from today.

*kps* (SANJAY A. DESHMUKH, J.) (RAVINDRA V. GHUGE, J.)