

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

WRIT PETITION NO.5908 OF 2023

**DEEPAK VASANTRAO WANGUJARE
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND
OTHERS**

...

Advocate for Petitioner : Mr. Bagal Vishal A.
AGP for Respondents/State: Mr. P. S. Patil
Advocate for Respondent Nos.2 and 3: Mr. V. M. Vibhute

...

**CORAM : MANGESH S. PATIL &
S. G. CHAPALGAONKAR, JJ.**

DATE : 12.06.2023

PER COURT :

. Heard the learned Advocate for the petitioner, learned AGP who waives notice for respondent no.1 and learned Advocate Mr. Vibhute, who waives notice for respondent nos.2 and 3.

2. The petitioner is a District Awardee Teacher pursuant to the scheme of the Government and received such certificate in the year 2005. It is a common ground that pursuant to the policy prevalent at the relevant time vide Government Resolution [Exhibit-A] dated 12/12/2000, he was entitled to one advance increment but he was never granted it. It appears that due to certain subsequent circulars, particularly the circular dated 04/09/2018, the scheme was discontinued on and from the date of that notification.

3. It is pertinent to note that in a similarly situated matter in the case of the Chief Executive Officer Nasik Zilla Parishad, Nasik and Anr. Vs. Nitin Dattatray Pawar and Others, which matter had reached the Supreme Court in Special Leave to Appeal (C) No. 19730/2021, the issue has been put at rest in following words by the Supreme Court :

“It is not in dispute that, prior to 04.09.2018, the District Awardees were entitled to get the additional increment. It was only pursuant to the Circular dated 04.09.2018, the District Awardees were not entitled to get the additional increment. Therefore, for the period prior to 04.09.2018, the District Awardees were entitled to get the additional increment and, therefore, no error has been committed by the High Court in directing the benefit of additional increment to the District Awardees for the period prior to 04.09.2018.”

4. Obviously, if on the date of policy the petitioner was entitled to have an advance increment if could not have been refused by a subsequent circular.

5. The writ petition is allowed. It is declared that circular dated 04/09/2018 will not be applicable to the petitioner, who shall be entitled to one additional increment from the date he was conferred with a District Teacher Award as per the circular dated 12/12/2000.

6. Needless to state that the petitioner would be entitled to recover the arrears and the respondent nos.2 and 3 shall take steps and disburse the arrears to him as expeditiously as possible and in any event within eight (08) weeks.

(S. G. CHAPALGAONKAR, J.)

(MANGESH S. PATIL, J.)