

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

922 WRIT PETITION NO.11448 OF 2023

**SANJAY GOKUL JAGTAP AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND OTHERS**

AND

923 WRIT PETITION NO.11459 OF 2023

**JANARDHAN DHANA SABALE AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND OTHERS**

AND

933 WRIT PETITION NO.13936 OF 2023

**VILAS SAKHAHARI AAGE
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND OTHERS**

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Advocate for Petitioners : Mr. Mathpati Shivkumar K
AGP for Respondents/State : S/Shri P.K. Lakhotiya and S.K. Tambe
Advocate for Resp./Z.P. A'bad : Mr. V.M. Vibhute
Advocate for Resp./Z.P. Beed: Mr. P.D. Suryawanshi

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**CORAM : RAVINDRA V. GHUGE &
Y.G. KHOBRAGADE, JJ.**

DATE : 4th November, 2023

PC. :-

1. In these petitions, the identically placed petitioners are District Awardee Teachers, who have been granted such awards prior to 04.09.2018.

2. Substantive identical prayers put forth in these petitions are at prayer clauses B and C as under :-

"B) The Respondent No.5 and 6 (Z.P. Aurangabad/Beed) may kindly be directed to give/release the benefits of one additional increment as per circular dated 12.12.2000 issued by the Resp. Nos.1 / 3 to the petitioners along with consequential service benefits including arrears forthwith by issuing the writ of mandamus or any other appropriate writ, order or direction as the case may be.

C) The Resp. authority may kindly be directed to grant all the service benefits including arrears w.e.f. the date declared as a District Awardee Teacher as per Circular dated 12.12.2000 issued by the Resp. Nos.1 / 3 forthwith by issuing the writ of mandamus or any other appropriate writ, order, direction as the case may be."

3. The learned Advocate for the Petitioners points out that in identical set of circumstances, the Petitioners were granted the benefits, which were subsequently taken away by the State Government vide the Government Resolution dated 04.09.2018. The aggrieved Petitioners approached the High Court which restored their benefits. The Nashik Zilla Parishad approached the Honourable Supreme Court in Petition for Special Leave to Appeal (Civil) No. 19730/2021. By order dated 13.04.2022, the SLP was dismissed by concluding that the district awardees were entitled to the additional increment if granted prior to 04.09.2018 and no error has been committed by the High Court in directing the payment of the additional increment. The Honourable Supreme Court was in complete agreement with the view taken by the High Court.

4. The issue was considered by the Division Bench of this Court at the Principal Seat in Writ Petition (Stamp) No.3501/2021, filed by **Laxman Pandurang Nikam and others vs. The State of Maharashtra and others** and a group of petitions. It was concluded in paragraphs 2 to 8 as under :-

"2. Heard. The learned counsel for the Petitioners submits that the Petitioners in these Writ Petitions are the District Awardee Teachers prior to 04.09.2018.

3. For the first time, additional increment was given to the District Awardee Teachers under the Government Resolution dated 12.12.2000. Pursuant thereto, additional increments as per the said Govt. Resolution were given.

4. There are other categories of awardee teachers such as State Awardee Teachers, National Awardee Teachers and the award being given for excellent outstanding work. In the present case, we are concerned only with the District Awardee Teachers.

5. Upon perusal of various Govt. Resolution placed on record, it does not appear that prior to the Govt. Resolution dated 04.09.2018, there was any Govt. Resolution taking away benefit of the additional increment given to District Awardee Teachers. Of course, now, no District Awardee Teacher would be entitled for the benefit in view of the Govt. Resolution dated 04.09.2018. However, Govt. Resolution dated 04.09.2018 cannot be given retrospective effect.

6. Govt. Resolution relied by the learned counsel for Zilla Parishad viz. Govt. Resolution dated 27.02.2009 is general in nature. It only states that the committee formed by the Govt. has made recommendation and the same is to be accepted with certain modifications. Under the Govt. Resolution dated 24.08.2017, Govt. has taken decision that the benefit of advance increment would not be available to those who were granted certificate of excellent work. It is under the Govt. Resolution dated 04.09.2018

now the benefit of additional increment to the District Awardee Teacher can not be given.

7. *However, all those who were granted certificate of District Awardee Teacher prior to 04.09.2018 cannot be denied the said benefit of additional increment.*

8. *In light of the above, we pass the following order:*

a. *The Respondent / Zilla Parishad after confirming themselves of the Petitioners being District Awardee Teachers and awarded certificate prior to 04.09.2018 shall individually consider the case of the Petitioners for additional increment as is laid down under the Government Resolution dated 12.12.2000. The same shall be considered on its own merits expeditiously preferably within a period of six months and the Respondents shall communicate their decision to the Petitioner, in writing.*

b. *At the request of the learned counsel for the Petitioner in Writ Petition (ST) No.18924/2018, all office objections are dispensed with, except Court Fees.*

c. *All Writ Petitions stand disposed of accordingly."*

5. Identical orders were passed with relation to several other Zilla Parishads, out of which, the Chief Executive Officer, Zilla Parishad, Nashik, had approached the Honourable Supreme Court in Petition for Special Leave to Appeal (Civil) No.19730/2021. Vide order dated 13.04.2022, it was held as under :-

"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.

We are in complete agreement with the view taken by the High Court

The Special Leave Petition stands dismissed.

Pending applications stand disposed of."

6. The learned AGPs submit that Review Petitions have been filed by the Zilla Parishads. This statement is confirmed by the learned advocates representing the respective Zilla Parishads

7. Having considered the order of the Honourable Supreme Court reproduced above, we do not find that the pendency of the Review Petitions could be an impediment for considering these petitions. The order of the Honourable Supreme Court is a speaking order.

8. In the light of the above, **these Writ Petitions are partly allowed** with the direction to the respective Zilla Parishads/concerned Authorities to confirm that these petitioners are the District Awardee Teachers, who have been awarded such certificates prior to 04.09.2018. After verifying this aspect, they would proceed to grant additional increment as is laid down in the circular dated 12.12.2000 to those teachers, who are District Awardee Teachers. Let such exercise of verification and payment be made, within 90 days.

9. In the event, any of these Petitioners have suffered recovery, the recovered amounts shall be redeposited with the concerned Petitioner by the concerned Zilla Parishad/ Authority within sixty days. Those who are awaiting payments of unpaid amounts, would also receive such benefits within 90 days. Considering the delay on the part of these Petitioners in approaching this Court, as like in the earlier orders passed in several matters, the Petitioners are not claiming any interest and we are not issuing directions for payment of interest.

[Y.G. KHOBRADE, J.]

[RAVINDRA V. GHUGE, J.]