

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

932 WRIT PETITION NO.2592 OF 2023

RATILAL BABULAL JATIYA AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY
AND OTHERS

...
Advocate for Petitioners : Mr. Sontakke Sandeep B
Advocate for Respondent Nos. 2 and 3 : Mr. S.R. Dheple
AGP for Respondent No.1: Mr. S.G. Karlekar
.....

**CORAM : RAVINDRA V. GHUGE AND
SANJAY A. DESHMUKH, JJ.
DATED : 3rd MARCH, 2023.**

PER COURT :-

1. The Petitioners claim to be identically situated and have put forth prayer clause B, as under:-

“B By issuing Writ of Mandamus or any appropriate Writ, order or direction in like nature, to direct the Respondents to grant advance increment to Petitioners for Certificate of excellent work.”

2. The issue is as regards eligibility of the Petitioners for one advance increment on the ground that they have performed excellent/outstanding work. It is contended that the Zilla Parishad will have to consider their eligibility.

3. The learned A.G.P. as well as the learned advocate, representing the State and the Zilla Parishad, contend that these Petitioners are approaching the court in view of the recent orders

passed by this Court over a period of around 3 to 5 years. Each one claims to be a recipient of a certificate of excellent work or is an awardee of being excellent District Teacher. The delay and laches are writ large.

4. Considering the above and taking into account several orders passed by the various coordinate Benches of this Court at the Principal Seat, at Aurangabad Bench and at Nagpur Bench, this petition is disposed off with the following directions:-

- a) The Zilla Parishad shall consider its record and carry out a close scrutiny/verification as regards eligibility of each of these Petitioners.
- b) If they are found to be eligible, they would be granted the benefit as is prescribed in the law, only upto 24.8.2017, keeping in view that the said benefit is not available in the light of the Government Resolution dated 24.8.2017 which is interpreted by this court to be applicable prospectively.
- c) In so far as the interest is concerned, considering the delay and laches, the interest amount would be calculated only for a period of three years preceding the date of the filing of the Writ Petition or as per actuals, whichever is less.

(SANJAY A. DESHMUKH, J.)

(RAVINDRA V. GHUGE, J.)

rlj/