

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

Writ Petition 4980 of 2022

Sushil Wasudeo Gavhare & others vs. The State of Maharashtra & others

with

Writ Petition 4981 of 2022

Vishwanath Hari Jog vs. The State of Maharashtra & others

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

Mr. A.R. Deshpande, Advocate for the Petitioner(s).
Mr. N.S. Rao, A.G.P. for Respondents 1 to 3.
Mrs. B.P. Maldhure, Advocate for Respondent 4.

CORAM : ROHIT B. DEO AND Y.G. KHOBRADE, JJ.
DATE : 7th JANUARY, 2023.

With consent of the learned Counsel for the parties,
the petitions are heard finally since the parties are in unison
that the issue is covered.

02] The prayer clauses of the petitions read thus :

“A) Direct the respondents to grant the benefits of one additional increment to petitioners with effect from the selection of Petitioners as District Teachers Awards as per Government Circular dated 12.12.2000 and also direct the respondents to release the arrears of said benefits to petitioners along with interest forthwith.

B) Set aside the Government Circular dated 04.09.2018 to the extent of District Awardee Teachers like Petitioners, who have been selected as District Awardee Teachers prior to the issuance of said Circular dated 04.09.2018 or it may kindly

be held and declared that said Government Circular dated 04.09.2018 would not affect the claim of petitioners about one additional increment as they have been selected as District Awardee Teachers prior to the issuance of the said Circular.”

03] The issue is covered by catena of decisions *inter alia* in Inayatullah Shafiullah Khan and others vs. State of Maharashtra and others in Writ Petition No.8165 of 2017 and Sanjay Ramkrushan Waghmare and others vs. State of Maharashtra & others in Writ Petition No.5419 of 2018

04] The coordinate Bench has issued the following directions in the case of Sanjay Waghmare:

“07] The respondent/Zilla Parishad after satisfying themselves about the petitioners being District Awardee Teachers having been awarded certificates 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 merits of each individual case by considering the judgments rendered in all the applicable cases as expeditiously as possible and preferably within a period of six months.”

05] Learned Counsel Mrs. B.P. Maldhure, appearing for Zilla Parishad, submits that while there is no quarrel with the direction issued in similar matters, the claim to the arrears will have to be restricted to three years preceding the filing of the petitions.

06] The submission is reasonable. In fairness to learned Counsel Mr. Deshpande for the petitioners, we may record his submission that the Writ Court is not bound to restrict the arrears to the said period. We are not inclined to make any positive observation since in the factual matrix, particularly the delay involved, we find that the claim to arrears will have to be restricted to the period of three years preceding the filing of the petitions.

07] We, therefore, allow the petitions partly and direct that the petitioners shall be individually considered for additional increment as prescribed in Government Resolution dated 12/12/2000 and needful shall be done within four months. We further direct that the arrears shall be restricted to the period of three years preceding the filing of the petitions.

08] The petitions are disposed of in the aforesaid terms.

JUDGE

JUDGE

**sandesh*