



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 8803 OF 2024

TULSHIRAM DHULA KOLAPE AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND
OTHERS

....

Mr. S. K. Mathpati, Advocate for the Petitioners
Mr. N. S. Tekale, AGP for the Respondent – State
Mr. S. R. Dheple, Advocate for Respondent Nos. 5 and 6

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CORAM : RAVINDRA V. GHUGE AND
Y. G. KHOBRAGADE, JJ.

DATE : 21.08.2024

PER COURT :-

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

2. The Petitioners have put forth prayer clauses (A) and (B), as under :-

“(A) The resp. No. 5 & 6 (Z.P. Jalgaon) may kindly be directed to give/release the benefit of one additional increment as per circular dated 12.12.2000 issued by the Resp. No.1 to the petitioners along with consequential service benefits including arrears forthwith by issuing

the writ of mandamus or any other appropriate writ, order or directions as the case may be.

- (B) *The resp. Authority may kindly be direct 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. No.1 forthwith by issuing the writ of mandamus or any other appropriate writ, order, direction as the case may be.”*

3. The issue raised, fell for consideration before 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.”*

4. Identical orders were passed with relation to several other Zilla Parishads, out of which, the Chief Executive Officer, Zilla Parishad, Nashik, 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.”*

5. The learned AGPs submit that Review Petitions have been filed by the Zilla Parishads. This statement is confirmed by the learned advocate representing the Zilla Parishad.

6. 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 this

petition. The order of the Honourable Supreme Court is a speaking order.

7. In the light of the above, **this Writ Petition is partly allowed** with the direction to the Zilla Parishad/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 the District Awardee Teachers. Let such exercise of verification and payment, if found eligible, be made on or before 31.12.2024.

[Y. G. KHOBRADE, J.]

[RAVINDRA V. GHUGE, J.]

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