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

917 WRIT PETITION NO. 5599 OF 2024

Shivaji S/o Bhagawanrao Kadam,
Age: 83 years, Occ. Retired,
R/o. Mangalwar Peth, Paranda,
Tq. Paranda, Dist. Osmanabad

....PETITIONER

VERSUS

1. The State of Maharashtra,
Through its Secretary,
Ruler Development Department,
Mantralaya, Mumbai-32
2. The State of Maharashtra,
Through the Hon'ble Minister,
Sports and Education Department,
Mantralaya, Mumbai-32
3. The Chief Executive Officer,
Zilla Parishad, Osmanabad,
Dist. Osmanabad,
4. The Education Officer,
Zilla Parishad, Osmanabad,
Dist. Osmanabad

....RESPONDENTS

....

Mr R. A. Shinde, Advocate h/f Mr K. R. Doke, Advocate for
Petitioner

Mr S. R. Wakale, A.G.P. for Respondent Nos.1 & 2

Mr B. B. Bhise, Advocate for Respondent Nos.3 & 4

CORAM : RAVINDRA V. GHUGE

AND

Y. G. KHOBRAGADE, JJ.

DATE : 16th August, 2024

ORAL JUDGMENT (PER : Ravindra V. Ghuge, J.)

1. Rule. Rule made returnable forthwith and heard finally by consent of the learned Advocates for the respective sides.

2. The Petitioner has put forth prayer clauses (B), (C) and (D), which read as under :-

“B) By issuing writ of mandamus or any other appropriate writ, order or direction in like nature. The respondent No. 3 & 4 May Kindly be directed to grant/pay one additional increment to the petitioner from date of grant of "District Teacher Award" in view of circular dt.12/12/2000 issued by the State Government of Maharashtra and for that purpose issue necessary direction or order to the respondents.

C). It may kindly be hold and declare that, circular dated 04/09/2018 issued by the Res. No. 1 is discriminative nature and not applicable to the petitioner and the petitioner is entitled to get one additional increment as District Teacher Award.

D) Pending hearing and final disposal of this writ petition to direct the respondent No. 3 & 4 to pay/grant one additional increments to the petitioner as "District teacher award" in view of circular dated 12/12/2000 subject to the final decision of this writ petition.”

3. Perused the Petition paper book with the assistance of the learned Advocates for the respective sides.

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4. The learned Advocate for the Respondents point out that the Petitioner was appointed as a Teacher on 23/05/1963. On 05/09/1994, he was awarded “जिल्हा पुरस्कार” (District Teachers Award) at the hands of the President, Chief Executive Officer and Education Officer of the Zilla Parishad, Dharashiv. The Petitioner retired from service as a ‘Physical Instructor’, on 30/04/1998.

5. We have perused the claim of the Petitioner in the light of the Government Circular dated 12/12/2000, by which, the scheme was introduced for the first time to grant additional increment to the District Awardee Teachers. Subsequently, with the introduction of the 7th Pay Commission, the Government Resolution dated 04/09/2018 was introduced, thereby halting the benefits of the increment under the Government Circular dated 12/12/2000.

6. This Court has interpreted the Government Resolution dated 04/09/2018 in a series of orders and concluded that it would be applicable prospectively, in view of the payment of the monetary benefits under the Government Resolution dated 12/12/2000. It is noteworthy that, prior to 12/12/2000, the

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Teachers who were granted the District Teachers Awards, were felicitated with the offering of a garland, floral bouquet, shawl, coconut, a certificate of appreciation, etc.

7. In the above facts and circumstances, the Zilla Parishad, Dharashiv has communicated to the Petitioner that, there was no such scheme of granting an additional increment in 1994. The same was introduced by the Government Resolution dated 12/12/2000, which cannot be give effect, retrospectively.

8. In view of the above, we do not find that the Petitioner was entitled to the benefits of the Government Resolution dated 12/12/2000, keeping in view that there was no such scheme earlier and the Petitioner has superannuated on 30/04/1998.

9. In view of the above, **this Writ Petition is dismissed.**

10. Rule is discharged.

(Y. G. KHOBRAGADE, J.)

(RAVINDRA V. GHUGE, J.)

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