

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 7246 OF 2018

Sopan s/o. Ramchandra Chande & Ors. ... Petitioners
versus
The State of Maharashtra & Ors. ... Respondents

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Mr.Sandeep B.Sontakke with Mr.Deepak Pote for the Petitioners.
Mr.V.M.Mali, AGP for the Respondent -State.
Mr.C.G.Gavnekar with Mr.Ashutosh Gavnekar for Respondent Nos.
2 and 3.

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**CORAM : NITIN JAMDAR &
M.M.SATHAYE, JJ.**

DATE : 16 April 2024

P.C.:

The Petitioners, 78 in number, are working with the Respondent –Zilla Parishad, Raigarh. The Petitioners are seeking a direction to the Respondent -Zilla Parishad to grant the benefit of one additional increment in view of Circular dated 12 December 2000 issued by the State of Maharashtra for grant of one additional increment to teachers who have received District Awards. The petition was filed in the year 2018. Petitioner Nos. 47 and 56 had retired from service and other Petitioners are working.

2. State of Maharashtra to encourage teachers, who are working in Zilla Parishads, had taken a policy decision to grant Award at the State level and the District level to the teachers. The said Award is to be given to the Education Department of the State Government and the District Award is to be given by Zilla Parishad. Under Circular dated 12 December 2020, the teachers, who have received District Award, are entitled for an increment of the Zilla Parishad. It is asserted by the Petitioners that the Awards are given to the Petitioners on different dates. The Petitioners had called upon the Respondent –Zilla Parishad to extend additional increment to the Petitioners. However, the same is not being extended; the Petitioners have filed the present petition.

3. The Petitioners have annexed a chart giving their initial date of appointment. This petition had remained pending since it was a part of a group of the petition in which various orders were passed by this Court. Taking note of the repetitive litigation on the same issue, this Court, by judgment and order dated 16 April 2024, has disposed of a group of Writ Petition bearing No. 204 of 2019 and others with various directions, which has arisen from the orders passed by the Education Department. In this petition, since the issue pertains to the Zilla Parishad and therefore, the petition is taken separately.

4. In this petition also, the Petitioners have relied upon various orders passed by the Division Benches of this Court wherein the

Division Benches took note of the fact that many teachers were initially granted benefit of the Government Circular dated 12 December 2000, but thereafter it was stopped.

5. The Division Bench of this Court (Bench at Aurangabad) in the case of *Urmila Dattatrya Gaikwad and Others Versus The State of Maharashtra and Others*¹ had passed the following order :

“We have heard learned counsel for petitioners, learned A.G.P. and learned counsel for respective Zilla Parishads.

2. Learned counsel for petitioners submits that all 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 Govt. 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 cases, we are concerned only with the District awardee teachers.

5. Upon perusal of various Govt. Resolutions 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.

¹ Writ Petition No. 1954 of 2028 and other connected Petitions dated 25 January 2019

Resolution dated 04/09/2018. However, Govt. Resolution dated 04/09/2018 can not 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 can not be denied the said benefit of additional increment.

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

ORDER

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 Govt. Resolution dated 12/12/2000. The same shall be considered on its own merits expeditiously preferably within a period of six months.

9. Writ Petitions disposed of accordingly”.

6. Therefore, Zilla Parishad, Raigarh will have to carry out exercise to examine the case of each of the Petitioners to ascertain whether they have received award certificate prior to 4 September 2018 and individually consider the case of the Petitioners for additional increment as per Government Circular dated 12 December 2000. If it is found that the Petitioners are entitled to the relief, then Zilla Parishad will proceed to grant them additional increment. If the Petitioners are not entitled, then a reasoned order be passed.

7. Let the entire exercise be carried out within a period of six months from today. If the prayer of any of the Petitioners is rejected, then it is open to such Petitioner to adopt appropriate remedy.

8. Writ petition is accordingly disposed of.

(M.M.SATHAYE, J.)

(NITIN JAMDAR, J.)