



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

NAGPUR BENCH : NAGPUR

WRIT PETITION NO.3950 OF 2024

Sameer Manoharrao Dakhole and others ... Petitioners
- Versus -
State of Maharashtra and others ... Respondents

Shri A.C. Dharmadhikari, Advocate for Petitioners,
Shri D.V. Chauhan, Government Pleader assisted by
Shri S.M. Ghodeswar, Assistant Government Pleader for
Respondent No.1.

**CORAM : NITIN JAMDAR AND
NITIN W. SAMBRE, JJ.**

DATE : 12 September 2024.

P.C. :

Heard learned counsel for the parties.

2. For the order that we are proposing to pass,
we do not deem it necessary to issue notice to Respondent
nos.2 and 3.

3. The Petitioners are working as Primary School Teachers in various Schools of Respondent No.2- Zilla Parishad, Yavatmal. According to the Petitioners, they have worked in various Naxalite areas of Zilla Parishad and they are entitled to the tribal incentive allowance and additional house rent allowance. The Petitioners, 494 in number, accordingly seek following relief vide prayer clause (1) of the petition :

(1) by issuing appropriate writ order or directions direct the respondents to immediately pay to the petitioners the payable Tribal Incentive Allowance and Additional House Rent Allowance under the recommendation of 6th and 7th Pay Commission in term of the Govt. Resolution dated 6/8/2002 read with Govt. Resolution dated 29/2/2024 as has been granted to the similarly placed employees, in the interest of justice, within the stipulated period.

4. The Petitioners have relied upon orders passed in respect of other Zilla Parishads and various Government Resolutions to demonstrate that the Petitioners' cases are covered by the decisions of this Court. According to the Petitioners, there cannot be any dispute as regards the entitlement.

5. Since there are 494 Petitioners in this petition, the Zilla Parishad, Yavatmal will have to take cognizance of grievances of each of them in view of the decisions of this Court and the Government Resolutions and take necessary steps. Therefore, we direct Respondent nos.2 and 3 to examine the cases of the Petitioners in the light of the decisions of the Court and Government Resolutions annexed and to proceed to extend the allowances, as prayed. Let this exercise be completed within a period of eight weeks.

6. We note that the orders on which the Petitioners have placed reliance relating to other local bodies were passed in the petitions filed by as many as 1000 Primary Teachers. The policy of the State Government reflected through the Government Resolutions is to extend these allowances for encouraging the teachers to work in tribal/Naxalite affected areas and difficult areas. It is unfortunate that these teachers have to approach the High Court only for their entitlements under the policy. If the teachers are made to struggle for the incentives in this manner, it will affect imparting of education in these areas in the long run, and the object of giving incentives will be lost.

7. The State Government should take cognizance of this position and provide for, at least one grievance forum so that every Teachers does not have to approach the High Court. Under Rule 14 of the Maharashtra Zilla Parishads District Services (Discipline and Appeal) Rules, 1964, an appeal is provided to the Commissioner. Apart from the statutory provision of appeal, the Divisional Commissioner, as a matter of administration, can also look into the matter and issue necessary directions. The learned Government Pleader states that this order would be communicated to the concerned Principal Secretary so that an mechanism is created so that every primary teachers is not required to approach this Court only for claiming the incentives provided to them for work in affected areas.

8. The writ petition is disposed of in above terms.

9. The office of the Government Pleader will forward a copy of this order to the Principal Secretary.

(NITIN W. SAMBRE, J.)

(NITIN JAMDAR, J.)