

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****WRIT PETITION NO. 8752 OF 2018**

Amrit S/O Krishna Sonawane and Ors .. Petitioners

Versus

The State of Maharashtra through its .. Respondents
Secretary and ors

WITH

WRIT PETITION NO. 9192 OF 2018

Aalamgir S/O Mahamudkhan Mulla and ors .. Petitioners

Versus

The State of Maharashtra through its .. Respondents
Secretary and Ors

WITH

WRIT PETITION NO. 4236 OF 2019

Sunil Pandurang Gurav and ors .. Petitioners

Versus

The State of Maharashtra through its .. Respondents
Secretary and Ors

Mr. Shrirang Katneshwarkar a/w Sandeep Gupta i/b S.B. Sontakke for the petitioners.

Mr. Vijay Killedar for respondent nos. 2 and 3, in WP No. 8752/2018.

Dr. Uday Warunjikar, for respondent nos. 2 and 3, in WP No. 9192 of 2018.

Mr. P.P. Kakade, Additional GP a/w V.M. Mali, AGP for respondent no. 1, in WP No. 8752/2018, in WP No. 9192/2018.

Mr. P.P. Kakade, Additional GP a/w Ms. N.M. Mehra, AGP for respondent no. 1, in WP No. 4236 of 2019.

CORAM: BHARATI DANGRE &

ASHWIN D. BHOBE, JJ.

DATED : 13th JANUARY, 2025

P.C:-

1. 53 teachers in Writ Petition No.8752 of 2018, 106 teachers in Writ Petition No.9192 of 2018, and 52 teachers in Writ Petition No.4236 of 2019, all working in Zilla Parishad, Solapur, Satara, Sangli, and being conferred with the District Teacher Award in the wake of circular dated 12/12/2000, which made them entitled to one additional increment, over the regular increment to which they were already entitled to, are aggrieved by the inaction on part of the respective Zilla Parishad in the petitions in not actually translating their benefit into reality.

Through the three petitions before us, the petitioners, seek an identical relief for issuance of writ of mandamus or any other appropriate writ, or direction in like nature against the respondent no.2, to grant benefit of one additional increment to them, as 'District Teacher Awardee' and also compute the arrears from the date of award and also release the arrears accruing to them upon conferment of the additional increment and compute the same in their service benefits.

2. We have heard Mr. Shrirang Katneshwarkar for the petitioners and Mr. Warunjikar and Mr. Vijay Killedar representing the respective Zilla Parishads.

Mr. Kakade, Additional Government Pleader represent the State of Maharashtra.

3. In order to honour the teachers for their excellent work at different levels i.e. National/State/District level, the State Government declared a policy of awarding these teachers by

conferring the awards on 5th of September of every year.

As far as the National and the State awards are concerned, the scheme was implemented through the School Education Department, and the School Education, Higher Technical Education Department respectively.

As far as the awards of the District level are concerned, the scheme is implemented through Zilla Parishad, since time antecedent to 12/12/2000, when a circular was issued by the Rural Development and Water Conservation Department, noticing certain irregularities/illegality in making such recommendation by constituting a Committee under the Chairmanship of the Chairman of Zilla Parishad, with several other members being included in it.

The criteria for selection of teachers for conferment of the award was also specifically worked out, on recommendation of the committee.

Clause no.12 of the said Government circular prescribed the form of the award i.e. one advance increment to be given to the awardees, with a clear understanding that this increment is distinct from the regular increment to be earned by them and therefore, there shall be no change in the date of entitlement of the regular increment and accordingly, the pay-scale shall be computed.

It was also clarified that those teachers, who had reached the maximum level of their pay-scale, in that case, they would be entitled to the increment preceding the maximum level of their pay-scale, which was equivalent to 24 times and this amount shall be awarded in cash.

4. The aforesaid policy however was withdrawn by the Rural Development Department, by issuing a circular on 4/09/2018, in the wake of the recommendations of the Sixth Pay Commission, which had forbidden conferment of advance increments, and therefore, by the aforesaid circular, clause no.12 of the earlier policy dated 12/12/2000, stood withdrawn.

5. With the issuance of the Government circular dated 4/09/2018, the question arose, whether it will have a retrospective effect as those who are conferred with the awards prior to the issuance of the said circular would be denuded of the benefits, and the Division Bench at Aurangabad in Writ Petition No.3436 of 2020, vide its Judgment dated 6/08/2021, clarified that the District Awardee Teachers prior to 4/09/2018, are eligible to the benefits under the circular dated 12/12/2000, as the Government Circular did not operate retrospectively.

6. Before us, we have a set of petitioners, who in their respective petitions, as per the pleadings have pleaded that they have been awarded with the 'District Awards' between the period commencing from 2000 to 2018 and once they have been declared to be eligible for the award, the action of the Zilla Parishad, in not conferring the benefit upon them is arbitrary action.

Though, Mr. Warunjikar, in Writ Petition No. 4236 of 2019, has urged before us that some of the teachers have been conferred with the award prior to the year 2000 and we agree with him that these awardee teachers may not be entitled to the benefit of increment, as this benefit was introduced for the first time in the circular of 12/12/2000.

However, we do not deem it appropriate to give any weightage to the argument of Mr. Warunjikar, appearing for the Zilla Parishad that the petition suffers from delay and laches, as there are teachers on whom the awards are conferred in the year as early as 2010-2011, 2012-2013, 2013-14, but they have approached this Court in the year 2018.

Some of the teachers included in the list in Writ Petition No.4236 of 2019, there are teachers, who are declared as awardees prior to the year 2000, and the argument of Mr. Warunjikar is that the Court could not come to their rescue, as their claim suffers from delay.

We are quite clear in our understanding that those teachers, who were conferred with district awards prior to 2000, are not entitled for any increment and in any case, if they have been declared as 'District Awardees', they atleast deserve to retain the honour of being conferred with an award.

7. The objection of Mr. Warunjikar, about the delay and laches do not appeal to us at all, as we find petitioners themselves in a very unfortunate situation, as despite being conferred with an honour in form of an award by the Zilla Parishad in form of 'District Awardee Teacher' the Zilla Parishad has forgotten about them, and for no reason did not release the benefit in their favour and now when a policy decision is taken in the year 2018, to do away with the benefit of conferment of one advance increment, a stand is being taken that they have approached the Court belatedly.

As we have already noted that it is really painful to note that the teachers, who were declared as awardees had to wait before us for last six years and not only this their claim is met with an objection that they have approached this Court at a belated stage, we reject the said objection raised by Mr. Warunjikar.

8. As far as those petitioners, who are declared as awardees between 12/12/2000, and 4/09/2018, there is no justification for denying them the benefit, as they were at the prevalent time governed by a policy decision of the State Government, which made them entitled for one advance increment, as stipulated in clause no.12 of the Government Circular dated 12/12/2000.

Needless to state that their selection was made by a Committee, which was constituted under the Government Circular dated 12/12/2000, and we do not want the Zilla Parishad to deliberate upon the merits of their claim once again.

However, Mr. Killedar, the learned counsel representing Zilla Parishad, Solapur, fairly made a statement that the Zilla Parishad, Solapur, has started releasing the benefits in favour of the teachers, who are entitled for the benefit and as far as the petitioners are concerned, Zilla Parishad, would confer the benefit of increment, within a period of four months.

We accept the said statement and hope and trust that the petitioners are not once again constrained to approach this Court, either by Contempt Petition or filing any other petition and the Zilla Parishad would live upto the statement made by them.

As far as remaining Zilla Parishads are concerned, which include Zilla Parishad, Satara and Sangli, which are represented by Mr. Warunjikar, we issue a writ of mandamus that the two Zilla Parishads, shall comply with our direction to confer the benefit of one additional increment, upon the petitioners, who have been declared as 'District Awardees' by the respective Zilla Parishads, and also compute the arrears due and payable to them and complete the exercise within a period of six months from today.

With this direction, the Writ Petition is disposed off.

(ASHWIN D. BHOBE, J)

(BHARATI DANGRE, J)