

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 12761 OF 2025

Shivaji Baburao Mane & Ors. ... Petitioners

Versus

The State of Maharashtra & Ors. ... Respondents

Mr. Pradeep Gole (Through V.C.) for the Petitioners.

Mr. A.P. Vanarase, A.G.P. for the Respondent No.1-State.

Mr. Pankaj Deokar for the Respondent Nos.2 & 3.

Coram : M. S. Karnik &
Ajit B. Kadethankar, JJ.

Date : 23rd December 2025.

ORDER (Per : Ajit B. Kadethankar, J.)

1. Heard Mr. Gole, learned counsel for the Petitioners, Mr. Vanarase, learned A.G.P. for the Respondent No.1-State and Mr. Deokar, learned counsel for the Respondent Nos.2 & 3.

2. By this petition filed under Article 226 of the Constitution of India, the Petitioners seek as follows :

“(b) By issuing writ of mandamus or any appropriate writ, order or directions in like nature, to direct the Respondents to re-fix the payscale of the Petitioners thereby including additional increments as per the Orders dated 5/08/2008, 16/10/2008 and 29/06/2009 in view of the orders dated 25/01/2019, 3/04/2019, 11/06/2019, 27/11/2020 and 9/12/2021 passed by this Hon'ble Court in Writ Petition Nos. 1954/2018, 12699/2018, 14797/2017, 9247/2019 and Writ Petition No.3224/2020 respectively;

“(c) By issuing writ of mandamus or any appropriate writ, order or direction in like nature, the Respondents may be directed to pay/release monetary benefits of additional increments for "Most Excellent/Outstanding Work" granted to the Petitioners by Orders dated 5/08/2008, 16/10/2008 and 29/06/2009 with consequential benefits to the Petitioners by fixing reformative six pay scales and for that purpose issue necessary directions or order to the Respondents and to refund the amount recovered from the Petitioners, if any.”

3. The Petitioners are the Assistant Teachers working in the Primary Schools run by the State Government through Satara Zilla Parishad, Satara. The State Government has framed policy in respect of grant of additional/advance increments to the Zilla Parishad employee for the ‘Most Excellent/outstanding work’.

4. Pursuant to the Government Resolution dated 2nd November 2017 and 27th October 2008, the Respondent no.2 has awarded additional/advance increments to the Petitioners for the period 2006 to 2008. The decision of additional increments/advance increments

however was withdrawn by subsequent decision dated 24th August 2017 by the Respondent no.1. The said Government Resolution dated 24th August 2017 was challenged by some other Assistant Teachers in this Court (Aurangabad Bench) by filing Writ Petition Nos.12699 of 2018, 7649 of 2019 and also by a number of Writ Petitions at all Benches.

5. On 3rd April 2019 (Writ Petition No. 12699 of 2018) and 25th June 2019 (Writ Petition No.7649 of 2019), this Court passed an order holding that the Government Resolution dated 24th August 2017 will have prospective effect and not retrospective. It was also held in that case benefit that was accorded to the Petitioners of excellent work in the year 2006 and 2008 shall not be withdrawn and if any recovery is made pursuant to the same, the same shall be refunded to the Petitioners.

6. Learned counsel for the Petitioners placed reliance on the unreported Judgment of this Court (Principal Seat) in the case of ***Nita A. Patil & Ors. vs. The State of Maharashtra & Ors.***¹ and would submit that after adverting to the Judgment of this Court (Aurangabad Bench) in the case of ***Ganpat Vitthal Dapute & Ors. vs. The State of Maharashtra & Ors.***² this Court has held that the Government Resolution dated 24th August 2017 will have prospective effect. Learned counsel for the Respondents could not distinguish the said Judgment delivered on 27th November

1 Writ Petition No. 9247 of 2019 dated 27th November 2020

2 Writ Petition No. 14797 of 2017, dated 11th June 2019

2020 in Writ Petition No. 9247 of 2019. In our view the said Judgment would squarely apply to the facts of this case.

7. Reliance is also placed on the Judgment of this Court (Aurangabad Bench) in the case of ***Ravindra Vana Patil Vs. The State of Maharashtra & Ors. and other connected Petitions***³, wherein in paragraph No.3, it has held as under :

“The Government Resolution dated 24.08.2017 will have prospective effect and not retrospective and in that case benefit that was accorded to petitioners of excellent work in the year 2006, 2007 and 2008, shall not be withdrawn and if any recovery is made pursuant to the same, same shall be refunded to the petitioners.”

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

- (i) Petition is allowed in terms of prayer clause (b) and (c). Issue Writ accordingly.
- (ii) The consequential benefits shall be granted to the Petitioners by fixing reformative six pay scales within eight weeks from today.
- (iii) No order as to costs.

[Ajit B. Kadethankar, J.]

[M. S. Karnik, J.]

OMKAR
SHIVAHAR
KUMBHAKARN
Digitally signed
by OMKAR
SHIVAHAR
KUMBHAKARN
Date:
2025.12.23
19:17:53
+0530

3 Writ Petition No. 12699 of 2018, dated 3rd April 2019