



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO.1716 OF 2024

Surdas s/o Shankar Pazare, aged about 71
years, Occupation : Retired, r/o Vitthalwadi,
Vani, Tq. Vani, District Yavatmal.

... PETITIONER

VERSUS

1. The State of Maharashtra, through its
Secretary, Rural Development and
Water Conservation Department,
Bandkhan Bhavan, Marzban Path, Fort,
Mumbai 400 001.
2. The State of Maharashtra, through its
Secretary, School Education and Sports
Department, Mantralaya, Mumbai – 32.
3. Divisional Commissioner, Amravati, Tq.
and Dist. Amravati.
4. Zilla Parishad, Yavatmal, through Chief
Executive Officer, Yavatmal, Tq. And Dist.
Yavatmal.
5. Education Officer (Primary), Zilla Parishad,
Yavatmal, Tq. and dist. Yavatmal.

... RESPONDENTS

Shri A.R. Deshpande, Advocate for the petitioner.

Shri M.K. Pathan, Assistant Government Pleader for respondent nos.
1 to 3.

Shri V.M. Kulsange, Advocate for respondent nos. 4 and 5.

CORAM : SMT. M.S. JAWALKAR AND PRAVIN S. PATIL, JJ.

DATE : 14.07.2025.

ORAL JUDGMENT : (Per : Pravin S. Patil, J.)

Heard. **RULE.** Rule is made returnable forthwith.

2. The matter is taken up for final disposal by consent of the parties since the issue involved in the petition is identical.

3. By this petition, the petitioner is seeking a direction against the respondents to grant the benefits of one additional increment to the petitioner in view of the Policy of the State formulated vide Government Circular dated 12.12.2000. The petitioner further seeks directions against the respondents to grant and continue the benefits of Selection Grade Pay Scale as per the Government Resolution dated 20.07.2004 and order dated 15.02.2020, passed by the Zilla Parishad, Yavatmal.

4. In brief, it is the contention of the petitioner that on 16.09.1983 he was appointed on the posts of Upper Division Teacher in Zilla Parishad High School, Patan. He has completed 12 years of service on 22.09.1995. During Academic Session 2007-08, he was conferred upon the certificate of District Teacher's Award. In view of Award,

respondent no.4 issued an order sanctioning one additional increment effective from 05.09.2007, in accordance with the Government Circular dated 12.12.2000.

5. It is stated that on 18.01.2011, the Account Officer of Finance Department of Zilla Parishad, Yavatmal raised an objection for granting additional increment to the petitioner and accordingly, same has been stopped/withdrawn but was never intimated to the petitioner. The petitioner thereafter, runs pillar to post to made enquiry as to why the increment has been withdrawn. Lastly, under the Right to Information Act, he received information from the Education Officer (Primary), Zilla Parishad, Yavatmal vide communication dated 19.12.2023 that in view of 6th pay Commission recommendations one additional increment is not payable and accordingly, same has been withdrawn.

6. It is also submitted that he being appointed on 16.09.1983, he is entitled for the Selection Grade Pay Scale as per the policy framed by the Government Circular dated 20.07.2004. Since, till date the same has not been implemented by the Zilla Parishad, as a result of which he is deprived from the same. In the background of above said factual position, he approached to this Court.

7. In support of the submission, the petitioner relied upon the judgment of this Court in the Bunch of cases decided along with *Writ Petition No.5419/2018 (Sanjay Ramkrushan Waghmare and ors. vs.State of Maharashtra and ors.)* dated 14.02.2019 and on the judgment of this Court in *Writ Petition No.625 of 2016 (Sharad Pawar and ors. v. State of Maharashtra and ors.)* decided on 17.11.2017, wherein this Court has observed that the petitioner therein being District Awardee Teachers, the additional increment granted to the teacher cannot be discontinued. The such teachers are entitled to receive the same. The relevant paragraph of the said judgment reads as under :

“8. The Government Resolution at Exhibit ‘X’ dated 24-08-2017 does not speak of any incentive conferred upon the teacher as an award. The petitioners here are mentioned as the District Awardee Teachers. We, therefore are not in a position to accept the submissions of learned Advocate Shri Kadu for respondent no.2 that in terms of Government Resolution dated 24-08-2017 award already conferred has been withdrawn. That is not the effect of this Government Resolution. The increments additionally granted ought to have been continued and its benefits should have been received by the District Awardee Teachers till their superannuation unless it is withdrawn as per law. There is no such order of withdrawal. The loss therefore is continuous and the objection that petition is belated is erroneous.”

8. We are in the considered opinion that the petitioner is entitled for one additional increment as the District Award’s Teacher

has been conferred upon him in the Academic Session 2007-08. The respondent has wrongly withdrawn the increment which was sanctioned with effect from 05.09.2007.

9. In respect of second prayer for granting Selection Grade Pay Scale, learned Counsel for the respondents as well as the learned Assistant Government Pleader relied upon the judgment of this Court in Writ Petition No.8165 of 2017, wherein this Court has observed as under :

“In the circumstances of the case, since the petitioners have approached this Court belatedly, i.e. on 24.11.2017 and since the petitioners are making the monetary claim in terms of the benefit to which they are entitled as per the government circular, the claim of the petitioners for the actual monetary benefits would be restricted for a period of three years preceding the date of filing of these writ petitions though the petitioners would be entitled to the grant of one additional increment from the date on which they would be otherwise entitled to the same as per the government circular.”

10. Relying on this judgment, it is the submission of the respondents that the petitioner would not be entitled for the Selection Grade Pay Scale from the year 2007. However, at the most, petitioner can be held entitled for the said benefit, for a period of three years preceding the date of filing of present petition.

11. Learned Counsel appearing for the Zilla Parishad, during

the course of hearing, placed on record the communication of the Education Officer (Primary) dated 04.07.2025 and made a statement that the Zilla Parishad is in process to consider the claim of the teachers like the petitioner.

12. In the light of abovesaid controversy, it will be apt to consider the judgment of this Court in *Writ Petition No.5419/2018 (Sanjay Ramkrushan Waghmare and ors. vs. State of Maharashtra and ors.)*, wherein this Court in paragraph 5 page 159 observed as thus :

“5. At this stage, it has been argued on behalf of the Zilla Parishads, who are party-respondents to these petitions, that most of the petitioners have approached this Court belatedly and, therefore, if any benefit of Clause 12 of the Government Circular dated 12/12/2000 is to be given, it cannot be permitted to be conferred upon them for a period which is more than three years computed in a reverse manner from the date of filing of the petitions and this has also been accepted by another Division Bench of this Court in its judgment rendered in a group of writ petitions being Writ Petition No.8165/2017 and Writ Petition No.8170/2017 decided on 5th April, 2018. If this is the contention raised on behalf of the respective Zilla Parishads, we would only say that it would be for the authorities to take appropriate decision on individual basis in the matter by taking into consideration not only the judgment dated 05/04/2018 of this Court, but also other applicable judgments.”

13. It is the submission of the petitioner that as the Zilla Parishad is under process to consider the case of Selection Grade Pay

Scale, the Zilla Parishad, it is for the Authorities to take appropriate decision on individual basis by taking into consideration the judgment dated 05.04.2018 of this Court as well as other applicable judgments.

14. In view of the above, we are of the opinion that, the petitioner is entitle to an additional increment as a District Awardee Teacher in terms of GR dated 12.12.2000. The same shall be continued to pay to the petitioner with effect from 05.09.2007. This shall be done within a period of two months from the date of this order.

15. In respect of Selection Grade Pay Scale, we made it clear that as the Zilla Parishad is under process of consideration, the Zilla Parishad will take an appropriate decision for granting Selection Grade Pay Scale to the petitioner within a period of two months from the date of this order and accordingly, release the same in favour of the petitioner.

16. Rule is made absolute accordingly. No costs.

(PRAVIN S. PATIL, J.)

(SMT. M.S. JAWALKAR, J.)

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