IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 5455 OF 2026

Riyaj Bashir Momin & Ors. ...Petitioners
V/s.
The State Of Maharashtra & Ors. ...Respondents

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Mr. Datta Pawar a/w. Mr. Sunil Yadav, Mr. Eshan Nayak and Ms. Sakshi Jankar, Advocate for Petitioners.
Ms. Vedantika Naik i/b. Mr. Ravi Kadam, Advocate for the Respondents No. 4 and 5.
Mr. V. M. Mali, AGP for the Respondent -State

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CORAM : ABHAY AHUJA &
NEERAJ P. DHOTE, JJ.
DATE : 16th OCTOBER, 2026

P.C. :

1. The petitioners in this petition are seeking directions against Respondents No. 4 and 5 to consider and decide their representation to grant advance increments on the basis of Government Resolutions dated 31st October 1989 and 14th December 2006 for the excellent work done by them during their service tenure, statedly recorded in their service books. It is submitted that in view of the Government Resolution dated 24th August 2017, they are deprived of the benefits of the advance increments.

2. Mr. Pawar, learned counsel appearing for the Petitioners tenders across the Bar the order dated 15th April 2026 passed in Writ Petition

No. 1631 of 2026, submitting that in a similar set of facts, this Court directed Respondents No. 4 and 5 to decide the entitlement of the Petitioners on the basis of the merits of individual candidates in terms of the Government Resolution dated 31st October 1989 only by relying on the observation of a coordinate Bench, that the Government Resolution dated 24th August 2017 cannot be made applicable retrospectively and that the Petitioners are entitled to the benefit of the Government Resolution dated 31st October 1989. Learned counsel for the Petitioners has submitted that the advance increment is sought for the period 2004 to 2016, and therefore, the Government Resolution dated 24th August 2017 cannot be applied.

3. Learned counsel appearing for Respondents No. 4 and 5 submits to the orders of this Court.

4. Having heard the learned counsel and having considered the submissions and after having perused the order dated 15th April 2026 in Writ Petition No. 1631 of 2026, this Court is of the view that similar directions, as contained in the said order, can be given. The Respondents Nos. 4 and 5 are directed to decide the entitlement of the Petitioners on the basis of the merits of the individual candidates in terms of the Government Resolution dated 31st October 1989.

5. If the claim of any Petitioner is invalidated insofar as their entitlement is concerned, a reasoned order in each of such cases be passed and the said order be served upon the concerned Petitioner within a period of four weeks from the date of such order.

6. As regards the Petitioners, who are found entitled under the Government Resolution dated 31st October 1989, the said Petitioners be granted the advance increments with all consequential benefits thereof within a period of ten weeks from the date of this order.

7. The Writ Petition accordingly stands disposed of.

(NEERAJ P. DHOTE, J) (ABHAY AHUJA, J.)