

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

(Sr. No.9) WRIT PETITION NO. 82 OF 2026

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Dipak Laxman Jagtap and Ors. ... Petitioners

Versus

The State Of Maharashtra Thr. Secretary and Ors. ... Respondents

WITH
(Sr. No.80) WRIT PETITION NO. 1625 OF 2026

Shrikant S/o. Ganpati Mangaokar and Ors. ... Petitioners

Versus

The State Of Maharashtra Thr. Its Secretary and Ors. ... Respondents

WITH
(Sr. No.81) WRIT PETITION NO. 1626 OF 2026

Salimjaved S/o. Yasin Kagawade and Ors. ... Petitioners

Versus

The State Of Maharashtra Thr. Its Secretary Rural ... Respondents
Development And Water Conservation Dept. and Ors.

WITH
(Sr. No. 82) WRIT PETITION NO. 1628 OF 2026

Balasaheb Tukaram Nimbalkar and Ors. ... Petitioners

Versus

The State Of Maharashtra Thr. Its Secretary and Ors. ... Respondents

**WITH
(Sr. No. 83) WRIT PETITION NO. 1629 OF 2026**

Sanjay Ganapati Charapale and Ors. ... Petitioners

Versus

The State Of Maharashtra Thr. Its Principal Secretary, ... Respondents
School Education Dept. and Ors.

**WITH
WRIT PETITION NO. 1689 OF 2026
ALONG WITH
WRIT PETITION (ST.) NO. 2374 OF 2026**

Ganapat Vitthal Paand Ors. ... Petitioners

Versus

The State Of Maharashtra Thr. Its Principal Secretary, ... Respondents
School Education Dept. and Ors.

**WITH
(Sr. No. 127) WRIT PETITION NO. 1241 OF 2026**

Kashinath S/o Yashvant Kumbhar and Ors. ... Petitioners

Versus

The State Of Maharashtra Thr. Its Secretary and Ors. ... Respondents

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Mr. Tejas Shelke for the Petitioners in WP Nos. 1625/2026 & 1628/2026.
Mr. R.B. Nikam for the Petitioners in WP Nos. 1629/2026, 1689/2026
and (ST.) No.2374/2026.
Mr. Shivkumar K. Mathpati for the Petitioners in WP Nos. 1626/2026 &
1241/2026.

Mr. Kedar Lad a/w Ms. Poonam Dhotre for Respondent Nos. 5 and 6 in
WP Nos. 1629/2026, 1689/2026 and (ST.) No.2374/2026 and for
Respondent Nos. 4 and 5 in WP Nos. 1626/2026 & 1241/2026.

Mr. A.A. Naik, AGP for the Respondent – State in WP 1625/2026.

Mr. S.B. Kalel, AGP for the Respondent – State in WP Nos. 1628/2026 and 1241/2026.

Ms. T.J. Kapre, AGP for the Respondent – State in WP 6629/2026.

Mr. R.P. Kadam, 'B' Panel Counsel for Respondent – State in WP No. 1626/2026.

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**CORAM : MADHAV J. JAMDAR &
PRAVIN S. PATIL, JJ.**

DATE : 15th APRIL, 2026.

P. C. :

1. In the these petitions, the issue raised by the Petitioners is that though they are entitled for the increment as per the Government Resolution dated 31st October 1989 for their excellent work, they were not granted the benefit of additional increment. For that purpose, they were pursuing their cause since long before the Authorities. In the background, they approached before this Court seeking direction against the Authorities that their case should be considered expeditiously on its own merits by applying the guidelines framed vide Government Resolution dated 31st October 1989.

2. Learned AGP raised objection that the Petitioners before approaching before this Court, could have approached before competent authorities and in case the authorities failed to consider their grievance

then, could have approached before this Court and, therefore, Petitioners be directed to make their respective representations to the concerned Authority and the Authority will consider their submission and accordingly appropriate orders will be passed in the matters.

3. It would be necessary to note that this Court in catena of the judgments has held that Government Resolution dated 24th August 2017 cannot be made applicable retrospectively. Hence, employees like Petitioners are entitled for same benefit. Therefore, we have heard the matters irrespective of objection raised by learned AGP. In our view, if grievance of the Petitioners is covered by identical judgment then, there is no necessity to refer the matter to authorities.

4. In the present matters, the Petitioners have relied upon the Judgment of this Court dated 20th June 2022 in Writ Petition No. 932 of 2021 (*Balu Tulshiram Pawar Vs. State of Maharashtra*) wherein the Hon'ble Principal Bench observed in paragraph Nos. 5, 6 and 7, as under :-

“5. Upon perusal of various Government Resolutions placed on record, it does not appear that prior to the Government Resolution dated 24/08/2017, there was any Government Resolution taking away benefit of the additional increment given to teachers possessing certificate or recognition of excellent/ outstanding work. Of course, now, no such teacher

would be entitled for the benefit in view of the Government Resolution dated 24/08/2017. However, Government Resolution dated 24/08/2017 can not be given retrospective effect.

6. Government Resolution relied by the learned counsel for Zilla Parishad viz. Government Resolution dated 27/02/2009 is general in nature. It only states that the committee formed by the Government has made recommendation and the same is to be accepted with certain modifications. Under the Government Resolution dated 24/08/2017, Government has taken decision that the benefit of advance increment would not be available to those who were granted certificate of excellent work. It is under the Government Resolution dated 24/08/2017 now the benefit of additional increment to the teachers can not be given.

7. However, all those who were granted Certificate of Excellent Work prior to 24/08/2017 can not be denied the said benefit of additional increment.”

5. In the light of the observations made by the Hon’ble Principal Bench, we are also of the same opinion that Government Resolution dated 24th August 2017 cannot be made applicable retrospectively.

6. In view this, in terms of the observations made by the Hon’ble Principal Bench from paragraph Nos. 5 to 7 as stated above, the present petitions are disposed of with a direction to the Respondents to verify the cases of the Petitioners as per their eligibility for grant of advance / additional increments in light of the Government Resolution dated 31st October 1989. If Petitioners are found eligible then, grant benefit of

advance increment from the date of their entitlement with all consequential monetary benefits within a period of 3 months from the date of this order.

7. It is further made clear that if claim of any of the Petitioners is invalidated by holding that he/she is not entitled for the same, a reasoned order be passed by granting hearing opportunity to the concerned person within a period of 8 weeks from the date of appearance of the parties before the concerned Authority.

8. With these directions, the Writ Petitions stand disposed of. No order as to costs.

[PRAVIN S. PATIL, J.]

[MADHAV J. JAMDAR, J.]