

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

WRIT PETITION NO. 1631 OF 2026

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Madhukar Khandu Andhare and Ors.

... Petitioners

Versus

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

.....

Mr. Tejas V. Shelake for the Petitioner.

Mr. Kedar Lad a/w Ms. Poonam Dhotre for Respondent Nos. 3 and 4.

Mr. V.M. Mali, AGP for the Respondent - State.

.....

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

DATE : 15th APRIL, 2026.

P. C. :

1. In this matter, the Petitioners approached before this Court seeking directions against the Respondent Nos. 3 and 4 to consider and decide their representation and grant advance increment on the basis of the Government Resolutions, dated 31st October 1989 and 14th December 2006 for the excellent work done by them during their service tenure, which is recorded in their Service Book.

2. According to the Petitioners, in view of subsequent Government Resolution dated 24th August 2017 of the State Government, they are

deprived of the benefit of advance increment. Hence, they approached before this Court.

3. The Petitioners in support of their submission has relied upon the judgment of this Court dated 20th June 2022 in Writ Petition No. 932 of 2021. In the said judgment, some what identical issue was considered by this Court and observed in paragraph nos. 5 to 7, which read 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.”

4. In the light of observation of co-ordinate Bench, it is clear that Government Resolution dated 24th August 2017 cannot be made applicable retrospectively. Accordingly, the Petitioners are entitle for benefit of Government Resolution dated 31st October 1989.

5. In view of the above, Respondent Nos. 3 and 4 are hereby directed to decide the entitlement of Petitioners on the basis of merits of individual candidate in terms of Government Resolution dated 31st October 1989.

6. Needless to mention that if any claim of any Petitioner is invalidated insofar as his 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 4 weeks from the date of such order.

7. Those Petitioners who are found entitled under Government Resolution dated 31st October 1989, be granted the advance increment with all consequential benefits thereof within a period of 10 weeks from the date of this order.

8. The Writ Petition is disposed of in view of above terms. No order as to costs.

[PRAVIN S. PATIL, J.]

[MADHAV J. JAMDAR, J.]