

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 5845 OF 2003

1. Devidas Khandu Marathe
Age 52 years, Occ. Service
R/o. Ashram School, At post
Songirpada,
Tq. and District Nandurbar
2. Bhagwat Ramdas Brahate
Age 52 years, Occ. Service
R/o. Ashram School, Kudashi,
Tq. Sakri, District Dhule
3. Rajendra Kantilal Choudhari
Age. 35 Years, Occu. Service,
R/o. Ashram School, At Post.
Songirpada, Tq. & Dist. Nandurbar.
4. Pralhad Parashram Patel
Age. 46 Years, Occu. Service
R/o. Ashram School, Jogni Pada,
Tq. & Dist. Nandurbar.
5. Ramesh Harchand Khedkar
Age. 46 Years, Occu. Service,
R/o. Ashram School, Kolda,
Tq. & Dist. Nandurbar.
6. Chandrakant Vilas Mohite
Age. 41 Years, Occu. Service,
R/o. Ashram School, Jognipada
Tq. & Dist. Nandurbar.
7. Rajendra Janardhan Vispute
Age. 42 Years, Occu. Service
R/o. Ashram School, Songirpada,
Tq. & Dist. Nandurbar.
8. Shravan Tapiram Shisde
Age. 41 Years, Occu. Service,
R/o. Ashram School, Wadjakhan,
Tq. & Dist. Nandurbar.
9. Ramesh Ramdas Mali
Age. 47 Years, Occu. Service,

R/o. Ashram School, Wadjakhan,
Tq. & Dist. Nandurbar.

10. Krishnachandra Dayaram Savle
Age. 39 Years, Occu. Service,
R/o. Ashram School, Nilmanjre,
Tq. Navapur Dist. Nandurbar.
11. Gulabrao Anandrao Salunke
Age. 43 Years, Occu. Service
R/o. Ashram School, Koske,
Tq. Navapur, Dist. Nandurbar.
12. Dharmesh Madhukar Mandlik
Age. 31 Years, Occu. Service,
R/o. Ashram School, Bhardu.,
Tq. Navapur, Dist. Nandurbar.
13. Tanaji Bharat Walvi
Age. 42 Years, Occu. Service,
R/o. Ashram School, Raygan,
Tq. Navapur, Dist. Nandurbar.
14. Shantaram Eknath Jadhav
Age. 32 years, Occu. Service.
R/o. Ashram School, Amlan,
Tq. Navapur, Dist. Nandurbar.
15. Prakash Govinda Sonawane
Age. 37 Years, Occu. Service
R/o. Ashram School, Sonkhamb,
Tq. Navapur, Dist. Nandurbar.
16. Subhash Raghunath Baviskar
Age. 52 Years, Occu. Service,
R/o. Ashram School, Molgi,
Tq. Akkalkuwa, Dist. Nandurbar.
17. Rajendra Dayaram Patil
Age. 45 Occu. Service,
R/o. Ashram School, Molgi,
Tq. Akkalkuwa, Dist. Nandurbar.
18. Kamlakar Trimbak Saindane
Age. 42 Years, Occu. Service,
R/o. Ashram School, Molgi,
Tq. Akkalkuwa, Dist. Nandurbar.
19. Rashidkhan Amirkhan Pathan,
Age. 40 Years, Occu. Service,

R/o. Ashram School, Walhve
Tq. Sakri, Dist. Dhule.

20. Sanjay Vishwasrao Deore
Age. 36 Years, Occu. Service,
R/o. Ashram School, Jaitane,
Tq. Sakri, Dist. Dhule.
21. Surekha Sakharam Patil
Age. 39 Years, Occu. Service,
R/o. Ashram School, Gartal,
Tq. & Dist. Dhule.
22. Israil Shaikh Ismail,
Age. 41 Years, Occu. Service,
R/o. Ashwathama Raj Bardi,
Ashram School, Bardi, Tq.
Dhadgaon, Dist. Nandurbar.
23. Dilip Onkar Patil
Age. 43 Years, Occu. Service
R/o. Ashram School, Rohini,
Tq. Shirpur, Dist. Dhule.
24. Lalita Dhangar Patil,
Age. 37 Years, Occu. Service,
R/o. Ashram School, Varshi,
Tq. Shirpur, Dist. Dhule.

... Petitioners

Versus

1. The State of Maharashtra
Through its Secretary to
Education Department,
Mantralaya, Mumbai – 32.
2. The Secretary,
Tribal Development Department,
Mantralaya, Mumbai – 32.
3. The Commissioner,
Tribal Development
Commissionerate, Nashik.
4. The Dy. Director,
Tribal Development,
Sahyadri Division, Nashik.
5. The Project Officer,
Integrated Tribal Development

Project, Taloda, Dist. Nandurbar.

6. The Project Officer,
Integrated Tribal Development
Project, Nandurbar,
Dist. Nandurbar.

[Copy to be served upon
Govt. Pleader, High Court,
Bench at Aurangabad.

... Respondents.

.....

WITH
WRIT PETITION NO. 1271 OF 2004

1. Shri Onkar Chandu Pawar,
Age. 42 Years, Occu. Service,
R/o. Ashram School, Molagi
At Post. Molagi, Tq. Akkalkuwa,
Dist. Nandurbar.
2. Shri Dilip Bhaidas Patil,
Age. 40 Years, Occu. Service,
R/o. Ashram School, Shripur,
Tq. Shirpur, Dist. Dhule.
3. Ramesh Ballu Jadhav,
Age. 38 Years, Occu. Service,
R/o. Ashram School, Shingave,
Tq. Shirpur, Dist. Dhule.
4. Prakash Dhudku Sonwane,
Age. 37 Years, Occu. Service,
R/o. Ashram School, Nimzari,
Tq. Shirpur, Dist. Dhule.
5. Sau Manda Popat Sonawane,
Age. 32 Years, Occu. Service,
R/o. Ashram School, Vasardee,
Tq. Shirpur, Dist. Dhule.

... Petitioners

VERSUS

1. The State of Maharashtra
Through its Secretary to
Education Department,
Mantralaya, Mumbai – 32.
2. The Secretary,

Tribal Development Department,
Mantralaya, Mumbai – 32.

3. The Commissioner,
Tribal Development
Commissionerate, Nashik.
4. The Dy. Director,
Tribal Development,
Sahyadri Division, Nashik.
5. The Project Officer,
Integrated Tribal Development
Project, Taloda, Dist. Nandurbar.
6. The Project Officer,
Integrated Tribal Development
Project, Nandurbar,
Dist. Nandurbar.

[Copy to be served upon
Govt. Pleader, High Court,
Bench at Aurangabad.

... Respondents.

.....

WITH
WRIT PETITION NO. 1272 OF 2004

1. Kumbhar Suresh Jayaram
Age. 41 Years. Occu. Service,
R/o. Jawaharlal Neharu Ashram School,
Raysingpur, Tq. Akkalkuwa,
Dist. Nandurbar.
2. Patil Anil Shivdas,
Age. 37 Years, Occu. Service,
R/o. Jamana Ashram School,
Post. Jamana Tq. Dhadgaon,
Dist. Nandurbar.
3. Pawara Harsingh Khetya,
Age. 35 Years, Occu. Service,
R/o. Ashram School, Bilgaon,
Post. Chikhali, Tq. Dhadgaon,
Dist. Nandurbar.
4. Padvī Ishwar Khaalya,
Age. 34 Years, Occu. Service,
R/o. Goramba, Ashram School,

Post. Toranmal, Tq. Dhadgaon,
Dist. Nandurbar.

... Petitioners

Versus

1. The State of Maharashtra
Through its Secretary to
Education Department,
Mantralaya, Mumbai – 32.
2. Under Secretary,
Tribal Development Department,
Mantralaya, Mumbai – 32.
3. The Commissioner,
Tribal Development
Commissionerate, Nashik.
4. The Dy. Director,
Tribal Development,
Sahyadri Division, Nashik.
5. The Project Officer,
Integrated Tribal Development
Project, Taloda, Dist. Nandurbar.
6. The Project Officer,
Integrated Tribal Development
Project, Nandurbar,
Dist. Nandurbar.

[Copy to be served upon
Govt. Pleader, High Court,
Bench at Aurangabad.

... Respondents.

.....

**CORAM : A. V. NIRGUDE AND
V. K. JADHAV, JJ.**

DATED : 6th OCTOBER, 2015

ORAL JUDGMENT (PER A.V. NIRGUDE, J.) :-

1. All these petitions can be disposed of in view of the definite
policy decision declared by the State of Maharashtra vide

Government Resolution dated 11.11.2011. Copy of said Government Resolution is taken on record and marked "X" for identification.

2. Almost all the petitioners possess graduate B. Ed. qualification and yet they are working as teachers on primary school. The Government of Maharashtra now declared its policy that only 25% of total strength of the teachers in the school would be permitted to be considered as trained teachers even though they possess the graduate B. Ed. qualification and remaining 75% teachers would be treated as untrained teachers and accordingly their pay scale would be reduced. This decision appears to be logical because the posts of teachers in primary school should be filled in by appointing eligible candidates, who possess the requisite qualification, such as S.S.C./H.S.C. D. Ed. The over qualified candidates were selected earlier. The Government declared that the policy of only 25% of such over qualified candidates would be protected and rests would not get the pay scale of graduate B. Ed. qualification. In view of this, all the petitioners would find out from their employer i.e. the respective management and the concerned Project Officer as to who among them would fall within 25% and who among them would be protected.

3. In the light of above circumstances, we dispose of these writ

petitions in terms of following order:-

ORDER

- I. Interim orders protecting the pay scale of the petitioners in these writ petitions would continue for a period of eight weeks from today.
- II. In the meantime, the respondents shall communicate to all the petitioners, individually, as to whether they would fall within 25% or not, in terms of policy declared by the Government vide Resolution dated 11.11.2011.
- III. Writ petitions stand disposed of. Rule discharged.

(V. K. JADHAV, J.)

(A. V. NIRGUDE, J.)

rlj/

