

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 2770 OF 2015

Jagannath s/o Ramrao Motinge and others ...Petitioners

Versus

The State of Maharashtra and others ...Respondents

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Mr. Mahesh. R. Sonwane, Advocate for Petitioners
Mr. G. K. Naik-Thigle, AGP for Respondent Nos. 1 and 2

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**CORAM : S. V. GANGAPURWALA AND
V. K. JADHAV, JJ.**

DATED : 16th JUNE, 2015

PER COURT:-

1. Notice of final disposal is issued to respondent Nos. 1 and 2 on 06.05.2015. Office endorsement shows that earlier, notice before admission was issued to the respondents. Though respondent Nos. 3 and 4 were served with the notice before admission, none appeared for respondent Nos. 3 and 4. Thereafter, this Court, on 06.05.2015, issued notice of final disposal to respondent Nos. 3 and 4. In spite of the fact that even notice of final disposal is served, none appears for respondent Nos. 3 and 4.

2. We have heard the learned counsel for the petitioners and the learned AGP for respondent Nos. 1 and 2.

3. Mr. Sonawane, learned counsel submits that in this matter, the petitioners are appointed prior to 02.07.1972. Their dates of appointment are mentioned in the petition. According to the learned counsel, in view of the Government Resolution dated 04.10.1983, if the teachers are appointed prior to 2.7.1972, possessing SSC qualification, then they are to be considered as trained teachers and would be entitled for the pay-scale of a trained teacher. According to the learned counsel, this Court has already considered this aspect in various Writ Petitions, such as writ petition No. 1311 of 1197 with other connected Writ Petitions.

4. The challenge as raised in the present petition is no longer *res-integra* in view of the judgment referred to above.

5. In the light of above, the respondent Nos. 3 and 4 are directed to confirm about the dates of appointment of the petitioners and if it is satisfied that the petitioners are appointed prior to 2.7.1972 then the respondents shall accord the benefit of trained Primary Teachers pay-scale to the petitioners as per Government Resolution dated 04.10.1983 i.e. pay band of Rs.1200-2040 since 1986 and in the pay-

band of Rs.4500-7000 since 1996 onwards.

6. In case it comes to the conclusion that the petitioners are entitled, the same benefits shall be paid expeditiously and preferably within six (6) months from today.

7. Writ petition accordingly stands disposed of. No costs.

(V. K. JADHAV, J.)

(S. V. GANGAPURWALA, J.)

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