

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.5073/2014

Ramakant Renyukadas Saraf
Age 67 years, Occ-Pensioner
R/o Palam, Dist.Parbhani.

..PETITIONER

Versus

1] The State of Maharashtra
(copy to be served on its
G.P.High Court of Judicature
of Bombay, Bench at
Aurangabad.

2] The Director of Education
Maharashtra State, Pune
(copy to be served on its
G.P.High Court of Judicature
of Bombay, Bench at
Aurangabad.

3] The Zilla Parishad,Parbhani
Through its Chief Executive
Officer, Parbhani

4] The Education Officer (Primary)
Zilla Parishad, Parbhani

5] The Education Officer (Primary)
Zilla Parishad, Jalna.

..RESPONDENTS

...
Mr. Swapnil S.Paatunkar for J.P.Legal Associates for petr
Mr. A.S.Shinde,AGP for State.
Mr.V.V.Bhavthankar,Adv. for R.3.
Mr.V.A.Bagdiya,Adv. for respondent no.5.
...

**CORAM : S.V.GANGAPURWALA &
V.L.ACHLIYA,JJ.
DATE : 5th January, 2015.**

P.C. :

The learned counsel for the petitioner vehemently contends that the petitioner is eligible to be paid the pay scale of Primary Graduate Teacher from 1982 to 1987. From 1987 onwards the petitioner is paid salary of Primary Graduate Teacher. There was no reason to deny the said pay scale from 1982-87. The learned counsel submits that whenever technical considerations and cause of substantial justice are pitted against each other cause of substantial justice is to be sub-served. According to learned counsel respondents have not disputed entitlement of the petitioner for the pay scale of Primary Graduate Teacher from 1982-87. The learned counsel submits that the petitioner would suffer economically.

2] Learned counsel for respondent no.4 has filed affidavit stating that from 5/11/1987, the Trained Graduate pay scale is given to the petitioner as per availability of the post meaning thereby that the post of a Trained Primary Graduate Teacher was not available prior to 1987.

3] Considering the affidavit in reply filed by respondent, it would be too late in day to consider the case of the petitioner for pay scale of Trained Primary Graduate Teacher for the year 1982 to

1987 more particularly when the disputed facts are raised by respondents about availability of post of Primary Graduate Teacher. Petition is disposed of. No costs.

V.L.ACHLIYA,J.

S.V.GANGAPURWALA,J.

umg/