

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

WRIT PETITION NO.5943 OF 2012

WITH

CIVIL APPLICATION NO.12513 OF 2012

* Nagorao S/o. Sakharam Deshpande, **PETITIONER**
Age-43 years, Occu-Primary
Teacher, R/o. Malakwadi, Tq.
Kinwat, Dist. Nanded.

VERSUS

1 The State of Maharashtra through **RESPONDENTS**
its Principal Secretary, School
Education Department,
Mantralaya, Mumbai-32.

2 The Director of Education
(Primary) Maharashtra State,
Pune-1.

3 The Chief Executive Officer,
Zilla Parishad, Nanded.

4 The Education Officer (Primary)
Zilla Parishad, Nanded.

Mr.V.G.Salgare, Advocate for the petitioner.

Mr.S.D.Kaldate, AGP for the respondent Nos. 1 & 2.

Mrs. Manjusha Deshpande, Advocate for respondent Nos. 3 & 4.

WRIT PETITION NO.5924 OF 2012

WITH

CIVIL APPLICATION NO.12449 OF 2012

* Sushil S/o. Premgir Giri, Age-36 **PETITIONER**
years, Occu-Primary Teacher,
R/o. Chikala, Tq. Mudkhed, Dist.
Nanded.

VERSUS

- RESPONDENTS**
- 1 The State of Maharashtra through its Principal Secretary, School Education Department, Mantralaya, Mumbai-32.
 - 2 The Director of Education (Primary) Maharashtra State, Pune-1.
 - 3 The Chief Executive Officer, Zilla Parishad, Nanded.
 - 4 The Education Officer (Primary) Zilla Parishad, Nanded.

Mr.V.G.Salgare, Advocate for the petitioner.
 Mr.S.D.Kaldate, AGP for the respondent Nos. 1 & 2.
 Mrs. Manjusha Deshpande, Advocate for respondent Nos. 3 & 4.

**WRIT PETITION NO.5994 OF 2012
 WITH
 CIVIL APPLICATION NO.13403 OF 2012**

- PETITIONER**
- * Sk.Miskin S/o. Abdul Saab,
 Age-28 years, Occu-Service, R/o.
 Irapur, Tq. Hadgaon, Dist.
 Nanded.

VERSUS

- RESPONDENTS**
- 1 The State of Maharashtra through its Principal Secretary, School Education Department, Mantralaya, Mumbai-32.
 - 2 The Director of Education (Primary) Maharashtra State, Pune-1.
 - 3 The Chief Executive Officer, Zilla Parishad, Nanded.
 - 4 The Education Officer (Primary) Zilla Parishad, Nanded.

Mr.V.G.Salgare, Advocate for the petitioner.
 Mr.S.D.Kaldate, AGP for the respondent Nos. 1 & 2.
 Mrs. Manjusha Deshpande, Advocate for respondent Nos. 3 & 4.

**WITH
 WRIT PETITION NO.6917 OF 2012**

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| <ol style="list-style-type: none"> 1 Deepak S/o. Kishanrao Borde,
 Age-32 years, Occu-Primary
 Teacher, R/o. Shyamwadi No.3,
 Pisadevi, Tq. & Dist.
 Aurangabad. 2 Vaishali Suresh Kulkarni, Age-31
 years, Occu-Primary Teacher,
 R/o. Shivrai, Tq. Kannad, Dist.
 Aurangabad. 3 Gokul S/o. Madhavrao Nimbalkar,
 Age-38 years, Occu- Primary
 Teacher, R/o. Umarkheda, Tq.
 Kannad, Dist. Aurangabad. 4 Arun S/o. Fakira Pardesi, Age-38
 years, Occu- Primary Teacher,
 R/o. Athegaon, Tq. Kannad, Dist.
 Aurangabad. 5 Sk.Shabbir Dilawar, Age-39
 years, Occu-Primary Teacher,
 R/o. Gargoti, Tq. Kannad, Dist.
 Aurangabad. 6 Shrirang S/o. Gulabrao
 Saharwale, Age-34 years, Occu-
 Primary Teacher, R/o.
 Thakurwadi, Tq. Kannad, Dist.
 Aurangabad. 7 Sandip S/o. Uddhav Mahajan,
 Age-37 years, Occu-Primary
 Teacher, R/o,. Vithalpur, Tq.
 Kannad, Dist. Aurangabad. | <p>PETITIONERS</p> |
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VERSUS

- RESPONDENTS**
- 1 The State of Maharashtra through its Principal Secretary, School Education Department, Mantralaya, Mumbai-32.
 - 2 The Director of Education (Primary) Maharashtra State, Pune-1.
 - 3 The Chief Executive Officer, Zilla Parishad, Nanded.
 - 4 The Education Officer (Primary) Zilla Parishad, Nanded.

Mr.V.G.Salgare, Advocate for the petitioner.
Mr.S.D.Kaldate, AGP for the respondent Nos. 1 & 2.
Mr.U.B.Bondar, Advocate for respondent Nos. 3 & 4.

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

DATE : 20th AUGUST, 2015

ORAL JUDGMENT [PER : A.V.NIRGUDE, J.]

1. All these writ petitions can be disposed of by this common judgment. We are holding in this common judgment that the petition should not be admitted and should be dismissed at admission stage.

2. All the petitioners are serving as Primary School Teachers in various Schools of Zilla Parishad in Nanded and Aurangabad. All the petitioners possessed S.S.C. qualification with Diploma in Education. All of them subsequently acquired B.A. Degree from Marathwada University and thereafter they acquired 'Shiksha Visharad' degree from Hindi Sahitya

Sammelan, Prayag in the year 2010. According to them their degree of 'Shiksha Visharad' is equivalent to B.Ed. And therefore they should get status of trained graduate primary teacher. Accordingly they demanded better pay-scale and better prospectus in their service.

3. The employer Zilla Parishad, Nanded and Aurangabad did not accept their contention and they sought guidance from the State Government as to whether 'Shiksha Visharad' is equivalent to B.Ed.? The State of Maharashtra's response was rather qualified to this query. They stated that 'Shiksha Visharad' would be equivalent to B.Ed. only if the subject of 'Shiksha Visharad' is 'Hindi' language, not otherwise.

4. The learned counsel for the petitioners placed reliance on earlier Government Resolution issued by the State of Maharashtra prior to 2002. In this Government Resolution the State of Maharashtra has given equivalence to various degrees and diploma issued by University and institutions outside the Maharashtra to B.A, B.Ed. M.Ed., etc. Corrigendum to this Government Resolution was issued in 2006 in which the Degree 'Shiksha Visharad' is apparently given equivalence to B.Ed. In addition to this there are several letters issued by various officers of the State of Maharashtra on record which say that there is equivalence between B.Ed. and 'Shiksha Visharad'.

These letters are annexed to this petition at Exh. R-E-3.

5. On this subject we may depend on two Government Resolutions of the State of Maharashtra. First Government Resolution is of 23rd August, 2011. In this Government Resolution the State of Maharashtra mentioned that the University Grants Commission is continuously examining the status of quality of education imparted by different institutions all over India and they give recognition to such institutions and degrees awarded by such institutions.

The State of Maharashtra, admitted, that they do not have their independent machinery for examining standard of education for giving equivalence to various degrees given by various institutions outside the State etc. The Government Resolution also mentioned that, number of cases go to the Court when equivalence is refused while examining eligibility of candidates who come to seek Government jobs. The Government of Maharashtra, therefore, resolved that the question of equivalence between degrees would be decided as per the decision taken by the Central Government and such decision would be followed by the State of Maharashtra.

6. On 21st December, 2011 the State of Maharashtra issued one more resolution which is

probably providing exact answer to the question in this petition. In this Government Resolution the State of Maharashtra has declared that after 10th October, 2002 the State of Maharashtra would not recognize any other degree in Education equivalent to B.Ed. other than degrees issued by Indira Gandhi National Open University, Delhi, Yashwantrao Chavan Open University, Nashik and Maulana Azad Urdu National University, Hyderabad.

7. In our view the controversy in respect of equivalence of various degrees with B.Ed. awarded by Universities in Maharashtra has been put to an end by the Government Resolution.

8. In view of above the petitions deserves dismissed and disposed of. In view of disposal all the writ petitions connected civil applications do not survive and stand disposed of.

(V.K.JADHAV, J.)

(A. V. NIRGUDE, J.)