

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 6253 OF 2014

Subhash Kishanrao Mangnale .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri Vijay A. Dhakane, Advocate for the Petitioner.

Shri B. L. Dhas, A.G.P. for Respondent Nos. 1 to 4.

Shri S. N. Patne, Advocate for Respondent Nos. 5 and 6.

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

DATE : 09TH JUNE, 2015.

PER COURT :

. Mr. Dhakane, the learned counsel submits that, the petitioner possesses qualification of B. A. B. P. Ed. and D. Ed. According to the learned counsel, the petitioner was initially appointed as primary teacher in the year 1992 and as trained graduate teacher in the year 1996. However, petitioner's service as trained graduate teacher is not approved. Though the proposal was submitted on 24.09.2001 by the Head Master, the orders are not passed on the same. According to the learned counsel, the petitioner has completed B. P. Ed. with bifocal curriculum that is along with physical education, one other subject was also in the curriculum. The learned counsel submits

that, the petitioner is within ambit and purview of 25%. The learned counsel relies on the judgment of the Apex Court in a case of **State of Maharashtra Vs. Tukaram Trymbak Choudhari** reported in **2007 AIR SCW 1321**.

2. The learned counsel for the management supports the case of the petitioner and submits that, the petitioner is appointed as trained graduate teacher, as he is qualified and qualified to teach one more subject along with physical education.

3. The learned A. G. P. submits that, as the petitioner does not possess B. Ed. qualification, the petitioner is not rightly considered as trained graduate teacher.

4. We have considered the submissions canvassed by the learned counsel for respective parties.

5. The qualification possessed by the petitioner is not disputed i. e. B. A. B. P. Ed and D. Ed. It is also not disputed that the petitioner has completed B. P. Ed. bifocal curriculum education that is along with physical education subject, the petitioner is teaching one more subject. This fact is not disputed. The Government Resolution dated 01.06.2000 as relied would be applicable.

6. It is also not disputed that, the school is having Ist to VIIth standard and the judgment of the Apex Court in a case of **State of Maharashtra Vs. Tukaram Trymbak Choudhari** referred supra would be applicable. The petitioner comes within 25% category. The Government Resolution dated 01.06.2000 also lays down that one who has completed the B. Ed. or B. P. Ed. with physical education with bifocal course would be entitled to be considered as graduate teacher.
7. The prayer for grant of trained primary teachers pay scale from 1.11.1992 to 11.08.1995 is not considered by us, being stale.
8. In the light of the above, we pass the following order.
9. The respondents shall consider the petitioner as a trained graduate primary teacher since the date of proposal i. e. 24.09.2001 and shall accord all consequential benefits arising therefrom. The writ petition accordingly disposed of. No costs. The said exercise be done expeditiously and preferably within six (6) months from today.

[V. K. JADHAV, J.]

[S. V. GANGAPURWALA, J.]