

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

WRIT PETITION NO. 9357 OF 2013

Devidas Sambhaji Karbhari .. Petitioner

Versus

The State of Maharashtra and Others .. Respondents

Shri V. M. Mane, Advocate for the Petitioner.

Shri K. J. Ghute Patil, A. G. P. for the Respondent No. 1.

Shri V. S. Panpatte, Advocate for the Respondent No. 2.

Shri S. N. Landge, Advocate for the Respondent No. 3.

Shri P. G. Rodge, Advocate for the Respondent No. 4.

CORAM : S. V. GANGAPURWALA AND

V. K. JADHAV, JJ.

DATE : 21ST JULY, 2015.

PER COURT :

1. Mr. Mane, the learned counsel for the petitioner submits that, the petitioner has a degree of Hindi Sahitya Sammelan, Prayag, Allahabad in the subject Shiksha Visharad and the same is equivalent to B. Ed. The learned counsel relies on the corrigendum dated 05th April, 2006 to the Government Resolution dated 14th June, 1999. The learned counsel also relies on the communication issued by the Desk Officer, State of

Maharashtra, the Divisional Deputy Director of Education to buttress his submission that, his degree of Shiksha Visharad from Hindi Sahitya Sammelan, Prayag, Allahabad is equivalent to B. Ed. and petitioner was rightly given the increments. However, the impugned resolution does not take into consideration the said fact.

2. Mr. Rodge, the learned counsel for the Respondent No. 4 and the learned A. G. P. submit that, said equivalence of Shiksha Visharad from Hindi Sahitya Sammelan, Prayag, Allahabad with B. Ed. is restricted only to the extent of Hindi subject. The petitioner is appointed in primary, as such can not be considered to be having B. Ed. qualification

3. We have considered the submissions canvassed by the learned counsel for the respective parties. The Government Resolution dated 14th June, 1999 specifically lays down that, the degree in Hindi of the various institutions as laid down in annexure "A" is equivalent to B. Ed. only for Hindi subject. The corrigendum introduces the degree of Shiksha Visharad of Hindi Sahitya Sammelan, Prayag, Allahabad at Serial No. 48 of the said annexure. As such the same will have to be considered as limited to Hindi subject.

4. In light of that, the case of the petitioner cannot be considered. With regard to the other prayer clause regarding proposal dated 24.11.2011 which is forwarded by the Headmaster to the Education Officer, the Education Officer shall decide the same after hearing the petitioner and the Management on its own merits in accordance with Government Resolutions and policy.

5. The parties are at liberty to place the necessary documents before the Education Officer.

6. Writ petition accordingly disposed of. No costs.

[V. K. JADHAV, J.]

[S. V. GANGAPURWALA, J.]

sam/July. 15