

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

WRIT PETITION NO. 7583 OF 2012

Dhondiba Tukaram Hanmante .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri V. D. Gunale, Advocate for the Petitioner.

Shri G. K. Thigle, Addl.G.P. for the Respondent No. 1.

Shri A. V. Hon, Advocate for the Respondent No. 3.

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

DATE : 19TH JUNE, 2015.

PER COURT :

. The grievance of the petitioner is that, the earlier service rendered with the private grant in aid school from 01.07.1989 to 20.07.1992 is not considered for the purpose of increments, salary, etc. The learned counsel relies on the Government Resolution dated 15.10.1982 to submit that, the service rendered in the earlier private grant in aid institution has to be counted. The petitioner from 21.07.1992 is working with the Zilla Parishad school as an assistant teacher.

2. We have heard Mr. Hon, the learned counsel for the Zilla Parishad and the learned Additional Government Pleader for the State.

3. We have considered the submissions canvassed by the learned

counsel for respective parties.

4. The Government Resolution dated 15.10.1982 is clear. It lays down that the pay of teachers who leave service in non-Government school and join Government/ex-Government (Zilla Parishad) secondary schools should be fixed on the basis of discharge certificate issued by the previous school provided that the service is continuous i. e. there is no physical break between the date of leaving first school and joining another school by the said employee.

5. In the present case, the respondents do not contend that there is break in service. The service is continuous one. In the light of that, the Government Resolution dated 15.10.1982 would squarely apply to the case of the petitioner.

6. In view of the above, the respondents shall consider the service of the petitioner continuous from 01.07.1989 for the purposes of pay fixation and all other consequential benefits. The writ petition accordingly is disposed of. No costs.

7. The petitioner may comply with legal requirements such as discharge certificate from the earlier institution.

[V. K. JADHAV, J.]

[S. V. GANGAPURWALA, J.]