

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

WRIT PETITION NO.204 OF 2015

1. Smt.Kundabai Sarangdharrao Mardikar
Age: 64 Years, Occu: Nil.Retired
R/o. Deglur Road, Udgir,
Tq. Udgir, Dist. Latur.
2. Vishwasrao S/o. Dattatray Kulkarni
Age: 69 Years, Occ.: Nil/Retired
R/o. Sidhivinayak Nagar, Deglur Road,
Sakolkar Niwas, Udgir, Tq. Udgir,
Latur.
3. Prabhakar S/o Ravan Kambale
Age: 70 Years, Occ. : Nil/Retired
R/o. Naraya Nagar, Latur, Tq. Latur.
Dist. Latur.
4. Smt. Saraswati W/o Sangappa Halle
Age: 69 Years, Occ.: Nil/Retired
R/o. Sambhaji Colony, Udgir,
Tq. Udgir, Dist. Latur. - PETITIONERS

- VERSUS -

1. The State of Maharashtra
through the Secretary,
Department Ministry of School
Education at Mantralaya,
Mumbai.
2. The Deputy Director of Education
Aurangabad.
3. The Education Officer
(Primary)
Zilla Parishad, Aurangabad.
4. The Chief Executive Officer,
Zilla Parishad, Aurangabad. - RESPONDENT

Mr.Mahesh R.Sonawane, Advocate for Petitioner;

Mr.DV Tele, AGP for Respondent Nos. 1 & 2;
Mr.UB Bondar, Advocate for Respondent Nos.3 & 4.

**CORAM : S.S.SHINDE &
P.R.BORA,JJ.**

DATE : 24th April,2015.

ORAL JUDGMENT (PER:- S.S.SHINDE,J.)

1) Heard. Rule. Rule made returnable forthwith with consent of learned Counsel appearing for respective parties.

2) Learned Counsel appearing for petitioners submits that all the petitioners were appointed as Assistant Teacher before the year 1972 in Zilla Parishad School on a fixed pay of Rs.40/- plus dearness allowance as applicable from time to time. The petitioners were selected for training of PTC college, however, owing to family problems and poor financial condition, they could not complete the said PTC training course. The services of the petitioners are continuous and permanent. It is further submitted that the service record of the petitioners is unblemished. He further submitted that on 1st January, 1976, pay scale of VIIth std. passed primary teacher was at Rs.250-435/- and SCC passed teachers was at Rs.260-495/-; whereas pay scale of VIIth std. Trained teacher was at Rs.260-495 and SCC passed trained teacher was Rs.290-540/-.

3) It is the further case of the petitioners that Government of Maharashtra has issued Government Resolution dated 4th October, 1983, thereby declared that the primary teachers, who have been appointed prior to 1972 and who are having continuous service and who do not possess D.Ed. Qualification, all these untrained teachers are considered as deemed trained teachers and they are entitled for all the benefits that of trained teachers. The counsel for the petitioners invited our attention to the contents of the Government Resolution dated 4th October, 1983, which is placed on record at Exhibit-A of the petition.

4) The learned Counsel for petitioners invited our attention to the position of the pay-scales in para 6 of the petition. It is submitted that as per the Government Resolution dated 4th October, 1983, the petitioners were in service as Assistant Teachers before the year 1972, hence they are entitled for the benefits of said Government Resolution. The petitioners have passed Secondary School certificate examination held in March-1966, October 1976; October, 1964; respectively. It is submitted that the petitioners have made several requests to the respondent/authorities, but no attention was paid to their requests, therefore, they are

constrained to file this petition.

5) Learned Counsel appearing for the petitioners submits that the point/controversy raised in this petition is no longer res integra and is covered by Division Bench judgment of this court in Writ Petition No.1311/1997 (Tryambak Sonajirao Patil Vs. State of Maharashtra & Ors.) and other companion matters, decided on 13th February, 2014. Therefore, he submits that subject to verification of the service record of the respective petitioners, the petitioners may be given similar benefits, as are given to the similarly situated petitioners in the aforesaid group of Writ Petitions.

6) On the other hand, learned Counsel appearing for respondents, fairly conceded that the Division Bench of this court had occasion to consider Government Resolution dated 4th October, 1983 in the aforesaid writ petitions and the view taken is that the petitioners in those writ petitions were appointed prior to July 1972 and possessing SSC qualification and they are declared to have been deemed trained teachers and are entitled to draw initial salary in the pay band of Rs.1200-2040 since 1986 and in the pay band of Rs.4500-7000 since 1996 onward and accordingly the respondents were directed to

release monetary benefits to the petitioners therein.

7) Upon considering the submissions of the learned counsel appearing for the petitioners in the light of pleadings in the petition, subject to verification of the service record of each of the petitioners and factual aspects, it appears that the petitioners' case is covered by the Government Resolution dated 4th October, 1983 inasmuch as they were appointed before 1972 and possessing SSC qualification prior to said date. Therefore, for the very same reasons, as are assigned by the Division Bench of this Court in the Judgment delivered in aforesaid group of writ petitions (supra), we direct the respondents to give monetary benefits to the respective petitioners in accordance with the Government Policy and in particular Government Resolution dated 4th October, 1983, as are given to the similarly situated petitioners in the aforesaid writ petition in terms of the directions contained in para 6 of the Judgment of the Division Bench of this Court in said writ petitions. However, we make it clear that so far as factual assertions made in the petition as regards dates of appointment of the petitioners; posts held by them at the relevant time and educational qualifications possessed by them,

the respondents would be at liberty to verify the said record minutely and then take an appropriate decision within a period of six months from today.

8) Rule is made absolute in the aforesaid terms with no order as to costs.

sd/-
(P.R.BORA)
JUDGE

sd/-
(S.S.SHINDE)
JUDGE

bdv/