

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 10225 OF 2013
WITH WP/10226/2013

ARJUN MURLIDHAR SAVALE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioner : Deshmukh Bhausaheb S
AGP for Respondents: Mr.A.S.Shinde
Adv Mr.V D Sapkal For R No 3 To 5

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**CORAM : S. V. GANGAPURWALA &
V. L.ACHLIYA, JJ.
DATED : 12th MARCH, 2015**

P.C. :-

We have heard Mr.Deshmukh, learned counsel for petitioner, Mr.V.D.Sapkal, learned counsel, and the learned AGP. The petitioner claims Trained Graduate i.e. B.Ed. Pay scales w.e.f. 31/3/2013. According to the learned counsel for the petitioner, the petitioner is appointed as Assistant Teacher w.e.f. 1/7/1996 and is placed in the pay scale applicable for D.Ed. Teachers. The appointment is approved in the D.Ed. Scale. The petitioner has completed B.A. and also M.A. The petitioner made application for up gradation from D.Ed. to B.Ed. pay scale, in case vacancy arises. Though vacancy is

available, respondent nos.3 and 4 deliberately did not apply the said scale, however, other teachers are granted the B.Ed. scale. On 25/3/2009 some of the teachers have retired. Still the petitioner is not granted the B.Ed. Scale. On the contrary, respondent nos.3 and 4 issued advertisement inviting applications for the post of Shikshan Sevak in English subject. The petitioner made grievance about his case. So as to deprive the petitioner of the genuine claim, the advertisement is published for appointing trained graduate teacher in English subject. According to the learned counsel, the petitioner is entitled for B.Ed. Scale as claimed.

2] Mr.Sapkal, learned counsel for the respondents states that the petitioner is appointed on the D.Ed. Pay scale and is continued to remain on the D.Ed. Pay scale. There was a need of English teacher as one Mr.Gaikwad has retired and after his retirement, work load of Geography subject was available. There was no teacher teaching the students in English subject. The work load of English and Geography was available. Considering the reservation the appointments are made as per the M.E.P.S. Rules. Appropriate candidates are selected observing the roster.

3] We have heard learned AGP also.

4] There appears to be dispute amongst the parties about the allocation of the work load in various subjects. The work load of 8th to 10th standard as distributed is placed on record.

5] The same would require scrutiny so as to arrive at conclusion about availability of the work load and consideration of the case of the petitioner for grant of B.Ed. Pay scale. Considering above, it would be appropriate if the Education Officer considers the same

6] In light of that, we pass following order :

a] The petitioner may file application with the Education Officer regarding his claim of B.Ed. Pay scale. The Education Officer considering the availability of the work load and all other facets of the matter and after hearing petitioner as well as the Institution shall take decision on the aspect of the pay scale of the petitioner. The institution is also at liberty to place the documents before the Education Officer and file its say. The Education Officer shall complete the said exercise expeditiously preferably within six months from the date of receipt of application from the petitioner.

7] Writ Petition is accordingly disposed of. No costs.

V.L.ACHLIYA, J.

S. V. GANGAPURWALA, J.

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