

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 9957 OF 2012**

Hindi Bhashi Sangh, [Registered] & Ors. .. Petitioners

Vs.

The State of Maharashtra & Anr. .. Respondents

Mr.N.V. Bandiwadekar a/w. Mr.Sagar Mane and Mr.Saurabh S. Kurade for petitioners.

Ms.S.S. Bhende, AGP for respondent nos.1 and 2.

**CORAM : ANOOP V. MOHTA,
K.R.SHRIRAM, JJ.**

DATE : 23RD APRIL, 2015

P.C.

1 Rule made returnable forthwith and by consent heard finally.

2 The learned counsel for the petitioners based upon the facts and the averments so made in the petition and also in the affidavit in rejoinder referring to the Government Resolution dated 11th November 2011 and the judgment dated 15th July 2009 passed by this Court in the matter of ***Shri Swatantrakumar B. Singh & Anr. Vs. The State of Maharashtra & Ors. in writ petition no.4628 of 2009*** has stated that the petitioners' case is covered by the observations so made in the judgment and also in the Government Resolution as referred above. Clause (B) of the said Government Resolution reads as under :

[B] If the Graduate and B.Ed. Teachers have been appointed in Primary Schools on the posts other than the

posts which are available for Trained [B.Ed.] Teachers [not possessing D.Ed. qualification] their appointment should be treated as trained Teachers from the date of their appointment. Such Teachers should be granted the pay scale of D.Ed. Trained Teachers at the time of their appointment [now 5200-20200+Grade Pay 2800]. If they are in service as Shikshan Sevak, this pay scale would be applicable to them only after completing the probation period of Shikshan Sevak.

3 After hearing the learned AGP and after going through the affidavit in reply dated 26.04.2013 filed by the government, we are observing that the petitioners are covered by the judgment in the matter of **Shri Swatantrakumar B. Singh & Anr.** (supra). The relevant paragraph/observation of the judgment reads as under :

“The ratio of the judgment in the case of Air India Staff Colony Association (supra) is also squarely applicable to the facts of the present case, wherein it has been held that such trained graduate teachers could be appointed in the post of trained undergraduate teachers for Standard 5th to 7th in Secondary School. The Management has filed an affidavit and supported the case of petitioners herein.”

The Government Resolution dated 11th November 2011 also supports the case of the petitioners.

4 The petition is allowed in terms of prayer clause (b). No costs.

5 Rule is made absolute in the above terms. No costs.

(K.R. SHRIRAM, J.)

(ANOOP V MOHTA, J.)