

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

**CIVIL APPLICATION NO. 2459 OF 2012
IN
WRIT PETITION NO. 6484 OF 2011**

Pandurang S/o Bapurao Garad .. Applicant

Versus

The State of Maharashtra and others .. Respondents

Shri Sachin Deshmukh, Advocate for the Applicant.
Shri M. B. Bharaswadkar, A.G.P. for the Respondent No. 1.
Shri U. B. Bondar, Advocate for the Respondent No. 2.
Shri H. K. Munde, Advocate for the Respondent No. 4.

**CORAM : S. V. GANGAPURWALA AND
K. L. WADANE, JJ.**

DATE : 21ST OCTOBER, 2016.

PER COURT :

. This civil application is filed for review of the order dated 09th January, 2012.

2. Mr. Deshmukh, the learned counsel for the review applicant submits that, this Court was made to believe by respondents that, there is one post admissible for trained graduate teacher's scale and the same is occupied by the Head Master. On that ground the Court disposed of the petition and it was observed that in the event Head Master retires, the

petitioner can very well claim either post of head master or trained graduate teacher's pay scale.

3. Mr. Deshmukh, the learned counsel further submits that, right since the year 2012-2013 apart from the post of head master, one more post for trained graduate teacher's pay scale was available with the institution, as such, there is an error apparent on the face of record.

4. According to Mr. Mundhe, the learned counsel for the respondent No. 4, there was only one post meant for trained graduate teacher's pay scale.

5. We have also heard Mr. Bondar, the learned counsel for respondent No. 2/Education Officer, who has placed on record staffing pattern of the year 2012-2013. It appears on perusal of the said staffing pattern that, Head Master was in the pay scale of Rs. 9300-34800 and apart from said post of Head Master, one more post of trained graduate teacher in pay scale of Rs. 9300-34800 was admissible.

6. *Prima facie*, it appears that, this fact was not placed before the Court while disposing of the Writ Petition No. 6484 of 2011.

7. In the light of that, the order dated 09.01.2012 is reviewed

and recalled and Writ Petition No. 6484 of 2011 is restored to its original position. The civil application accordingly is disposed of.

[K. L. WADANE, J.]

[S. V. GANGAPURWALA, J.]

bsb/Oct. 16