

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

32 WRIT PETITION NO. 5895 OF 2015

SNEHLATA ASHOKRAO DESHMUKH
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioner : Mr. Sonwane Mahesh R.
AGP for Respondents State: Mrs V. H. Patil
Advocate for Respondents 3 and 4 : Mr. S. S. Tope
Advocate for Respondent No.5 : Mr. S. R. Bagal

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

DATE : 21st December, 2016

ORDER:

1. Leave to amend cause title with regard to respondent No.5.

2. Mr. Sonawane, the learned counsel for the petitioner submits that the petitioner was appointed initially for the first time on 28.06.1971 in the School run by the Zilla Parishad, Jalna. On or about 09.08.1979, the petitioner was transferred from Zilla Parishad, Jalna to the Municipal Council, Jalna and thereafter has retired from service on 16.04.2007 while working with the Municipal Council, Jalna. The learned counsel submits that the petitioner has to be treated as a trained primary teacher in view of the Government resolution dated 04.10.1983.

3. Mr. Tope, the learned counsel for respondents 3 and 4, submits that the petitioner was appointed by the Zilla Parishad, Jalna on 28.06.1971, however, was transferred to the Municipal Council, Jalna on 09.08.1979 and all the record was handed over at the time of transfer and now, the Zilla Parishad does not possess any record.

4. Mr. Bagal, the learned counsel for respondent No.5 submits that as the petitioner was initially appointed with Zilla Parishad, Jalna, it is for the Zilla Parishad to submit the proposal of the petitioner.

5. We have also heard learned AGP.

6. It is not disputed that the petitioner was appointed on 28.06.1971 in the School run by the Zilla Parishad, Jalna and on 09.08.1979 was transferred to the school run by the Municipal council, Jalna and subsequently had retired on 16.04.2007. Government Resolution dated 04.10.1983 would be applicable to the petitioner. As per the said Government Resolution, the petitioner is entitled to pay band of Rs.1200-2040 since 1986 and pay band of Rs.4500-7000 since 1996 onwards. The said benefit is required to be accorded

to the petitioner. The Municipal Council shall forward the necessary proposal giving the said benefit to the petitioner, expeditiously, preferably within six months from today.

7. Writ petition is accordingly disposed of. No costs.

(K. L. WADANE, J.)

(S. V. GANGAPURWALA, J.)

JPC