

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD

WRIT PETITION NO.11178 OF 2015.

**Madhukar Nivaratirao Potbhare and another Vs. The State of
Maharashtra and others**

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders
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Mr.A.R.Gaikwad, advocate for the petitioners.
Ms.S.S.Raut, A.G.P. for the State.

**CORAM : S.V.GANGAPURWALA AND
K.L.WADANE, JJ.**
Date : 17.11.2016.

PER COURT :

1. Heard.
2. Mr.Gaikwad, learned counsel for the petitioners states that both the petitioners are appointed as a part time Assistant Teachers. The petitioner No.1 came to be appointed in the year 1996 for a period of 11 months and thereafter he is continuously working. Even approval is granted to his appointment for the year 2006-07. The petitioner No.2 was appointed on 11.6.2009 as a part time Assistant Teacher. The claim of the petitioners for receiving salary as per the pay-scale has been rejected. According to the learned counsel, the petitioners are entitled for the benefit as per

Government Resolution dated 4.9.2009. The petitioners are entitled for the same.

3. Learned A.G.P. submits that petitioner No.1 is entitled for the pay-scale of Rs.2,220-3,720 from 2009. However, the petitioner No.2 is not entitled for the benefit of the pay-scale as his appointment was after the date of Government Resolution dated 4.11.2009. As such on 10.11.2016 the Deputy Director of Education has rightly passed the order.

4. According to the learned counsel for the petitioner, the documents with regard to the appointment of the petitioner No.2 could not be forwarded to the Joint Director of Education because of the ill-health of his father. As far as petitioner No.1 is concerned, his services are already approved even for the year 2006-07 but those documents could not be submitted to the Deputy Director of Education. The petitioner No.1 is entitled for the payment as per the applicable pay-scale from the year 2006-07.

5. As the petitioner had not filed requisite documents, certainly the Deputy Director of Education could not have decided the case as contended by the petitioners in the Writ Petition. The Deputy Director of Education had to decide the case with the available documents on record. The learned counsel for the petitioner points out a document to state that the appointment of the petitioner No.1 as a part time Assistant Teacher was approved for the year 2006-07

also. It is also stated that subsequently also the approvals are granted for subsequent years and as far as petitioner No.2 is concerned, he has produced copy of the appointment order dated 11.6.2009. The petitioner may submit these documents with the Deputy Director of Education. On receipt of the documents and a proposal to that effect from the petitioners, the Deputy Director of Education shall decide the grievance of the petitioners with regard to the grant of pay-scale to the petitioner No.1 from the year 2006-07 and that of the petitioner No.2 from the year 2009 on its own merits expeditiously, preferably within six (6) months from the date of receipt of the representation from the petitioners.

6. The Writ Petition is disposed of. No costs.

(K . L . WADANE , J .)

(S . V . GANGAPURWALA , J .)

Dt.17.11.2016.
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