

FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE, BENCH AT AURANGABAD

**WRIT PETITION NO.10327 OF 2013****Tanaji S/o Shankarrao Wakode Vs. The State of Maharashtra  
and others.**

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| 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.G.V.Mohekar, advocate for the petitioner.

Mrs.V.N.Patil, A.G.P. for the State.

Mr.S.V.Warad, advocate for Respondent Nos.4 and 5  
absent.**CORAM : S.V.GANGAPURWALA AND  
K.L.WADANE, JJ.****Date : 23.11.2016.****PER COURT :**

1. Heard.

2. The contention of Mr.Mohekar, learned counsel for the petitioner is that petitioner was appointed on 10.7.1996 with the Respondent institution. The petitioner possessed qualification of B.A.B.P.Ed. The petitioner had Hindi as a teaching subject. According to the learned counsel, the School where the petitioner was working started receiving grant from the year 2000. In the year 2001-02, the petitioner was paid salary as per the pay-scale applicable to the untrained teacher. In the year 2002-03, the petitioner was given pay-scale of trained graduate teacher.

However, again for the year 2003-04 the petitioner was given pay-scale of untrained teacher and from 2004-05, the petitioner is given regular pay-scale of a trained graduate teacher. The learned counsel submits that even for the year 2001-02 and 2003-04 the petitioner is entitled for pay-scale of trained graduate teacher. The learned counsel submits that even on 5.6.2007 the Management forwarded proposal to the Respondent-authority for considering the petitioner as a trained graduate teacher even for the year 2003-04. According to the learned counsel, the said proposal is erroneously rejected. B.P.Ed. is equivalent to B.Ed. Even the approval is granted to the appointment of the petitioner. All these aspects are not considered.

3. Learned A.G.P. submits that the petitioner got the B.Ed. Degree in the year 2004 and since then is considered as a trained graduate teacher. The proposal of the year 2007 is rejected. The petition suffers from delay and laches.

4. We have considered the submissions. It appears that the Respondent School was initially on non grant-in-aid and subsequently has been brought on grant-in-aid in a phase manner. It is for the authorities to consider the actual date when the Respondent School was brought on grant-in-aid.

5. Considering the first order of approval for the year 2001, it appears that the services of the petitioner are approved as a physical

Education Teacher and also for Hindi subject. A person possessing B.P.Ed. qualification with one teaching subject is considered equivalent to B.Ed.

6. The petitioner in the year 2002-03 was considered as a trained graduate teacher. There was no reason not to consider the petitioner trained graduate teacher even for the year 2003-04. We are not considering the case of the petitioner for the year 2001-02 as no grievance was made in that regard earlier. Even in the proposal of the year 2007, grievance is made only with regard to the year 2003-04.

7. Considering the above aspect of the matter, the Respondent shall grant petitioner trained graduate pay-scale even for the year 2003-04. The Management of the Respondent No.5 School shall submit the proposal of the petitioner for payment of trained graduate pay-scale for the year 2003-04. The amount already paid for the year 2003-04 shall be adjusted. The same shall be done expeditiously.

8. The Writ Petition is accordingly partly allowed. No costs.

**( K . L . WADANE , J . )**

**( S . V . GANGAPURWALA , J . )**

Dt.23.11.2016.

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