

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

32 WRIT PETITION NO. 12220 OF 2015

MADHUKAR MAROTI PATIL
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioner: Mr. Dhakne Vijay A.
AGP for Respondents 1 to 4 State: Mr. V. S. Badakh

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

DATE : 25th October, 2016

ORDER:

1. Mr. Dhakane, the learned counsel for the petitioner submits that the petitioner is entitled to the benefits of Government Resolution dated 11.11.2011. The petitioner possesses qualification of B.A.B.Ed. and as such, in view of the said Government Resolution, the petitioner is required to be considered as trained primary teacher from his initial date of appointment. The learned counsel also relies on the judgment and order dated 04.02.2016 in Writ Petition No. 6355 of 2014.

2. Mr. Badakh, the learned AGP for the respondents submits that the petitioner is working in Tribal Development Department and the said Government Resolution is issued by the Education Department. The

same is not applicable to the teachers working in the Tribal Development Department. The proposal of the petitioner is forwarded to the Additional Commissioner, Tribal Development for its decision.

3. Mr. Dhakane, the learned counsel for the petitioner has placed on record the order issued by the Project Officer, Tribal Development Department dated 25th January, 2011 to contend that in respect of 39 employees possessing B.Ed. qualification approval is granted to them as trained primary teacher. The said communication is taken on record and marked 'X' for identification.

4. The contention of the respondents State about the Government Resolution dated 11.11.2011 not being applicable to the Tribal Development Department is considered by the Division Bench of this Court in Writ Petition No. 6355 of 2014 and this Court, relying on the earlier judgment of this Court in Writ Petition No. 6096 of 2010 had held that even the teachers working in the Tribal Development Department shall be entitled for the benefits of the Government Resolution dated 11.11.2011. Considering the above, we pass following order:

O R D E R

The respondents shall consider the petitioner as trained primary teacher since his initial date of appointment, if there is no other impediment and shall grant pay scale of trained primary teacher to the petitioner along-with all consequential benefits, expeditiously, preferably within a period of eight months.

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

(K. L. WADANE, J.)

(S. V. GANGAPURWALA, J.)

JPC