

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 8137 OF 2016

Raskar Shivaji Avaba

.. Petitioner

V/s.

The State of Maharashtra & Ors.

.. Respondents

.....

Mr.S.R. Moray i/b. Mr. V.S. Talkute, Advocate for the Petitioner.
Ms. Rupali M. Shide, AGP for Respondent Nos.1 to 3.

.....

**CORAM : SHANTANU S. KEMKAR AND
PRAKASH D. NAIK, JJ.**

DATED : NOVEMBER 22, 2016.

P.C. :

Not on Board. Mentioned, taken on Board.

2 The petitioner has filed this petition seeking directions to the respondents to treat the petitioner as trained graduate teacher from the date of his initial appointment and further direct to refix the petitioner's pay scale as trained graduate teacher from the date of his first appointment and further grant other salary benefits such as increments, senior scale etc., irrespective of the day on which the petitioner acquired the D.Ed. qualification and to pay to the petitioner revised pay scale along with its arrears with interest at the rate

of 12% p.a. from the date of his entitlement till its realization. Learned counsel appearing for the petitioner has placed reliance on the judgment passed by this Court (Coram :N.V. Dabholkar & S.B. Deshmukh, JJ.) in case of ***Govinda s/o. Narayan Gunjal in Writ Petition No.6437 of 2007***, decided on 12th March, 2008 and the judgment of the Hon'ble Supreme Court passed in case of ***State of Maharashtra Vs. Tukaram Trimbak Chaudhari & Ors.***¹. He submitted that the respondents be directed to consider and decide the petitioner's claim keeping in view the aforesaid orders passed by this Court and the Supreme Court.

3 Keeping in view the aforesaid prayer we dispose of this petition with liberty to the petitioner to submit a detailed representation. On receipt of the same, respondent no.2 shall consider the same and shall decide it keeping in view the law laid down by this Court and by the Hon'ble Supreme Court. The decision as aforesaid be taken within three months from the date of receipt of copy of this order.

4 With the aforesaid directions petition stands disposed of.

1 2007 AIR SCW 1321

5 Parties to act on authenticated copy of this order.

(PRAKASH D. NAIK, J.)

(SHANTANU KEMKAR, J.)