

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

BENCH AT AURANGABAD.

WRIT PETITION NO.216 OF 2017

Shri Shankarrao Mane
Primary School, Latur,
through its Head Master ... Petitioner.

Versus

The State of Maharashtra
and others. ... Respondents.

...

Mr.H.V.Tungar, advocate for the petitioner.
Mr.C.S.Kulkarni, A.G.P. for the State.
Mr.U.B.Bondar, advocate for Respondent No.3.
Mr.G.G.Suryawanshi, advocate for Respondent No.4.

...

**CORAM : S.V.GANGAPURWALA AND
V.L.ACHLIYA, JJ.**

Date : 19.12.2017.

PER COURT :

1. Mr.Bondar, learned counsel for Education Officer states that subsequently the Education Officer has issued communication dated 2.1.2017 to the effect that Respondent No.4 is entitled for pay-scale of Assistant Teacher and

not Primary Graduate Teacher.

2. Mr.Tungar, learned counsel states that the Education Officer directed the institution to recover the amount of excess salary paid in the pay-scale of Primary Graduate Teacher. Thereafter, has passed the impugned order restoring the pay-scale of Primary Graduate Teacher.

3. We have also heard Mr.Suryawanshi, learned counsel for Respondent No.4 and submits that reduction of pay-scale on the ground of reduction of strength of students is not permissible.

4. The Education Officer has filed affidavit stating that Respondent No.4 had given up his claim as Graduate Teacher, he is not entitled for the pay-scale of a Graduate Teacher.

5. The Education Officer is at liberty to pass appropriate order with regard to the pay-scale of Respondent No.4, of-course, after

hearing the parties.

5. With this observation, the Writ
Petition is disposed of. No costs.

(V.L.ACHLIYA, J.)

(S.V.GANGAPURWALA, J.)

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