

FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE, BENCH AT AURANGABAD

WRIT PETITION NO.2242 OF 2015

Keshav S/o Baliram Ghatol and others 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.V.A.Dhakne, advocate for the petitioners.
Mrs.M.A.Deshpande, Additional Government Pleader for the State.

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

Date : 18.01.2017.

PER COURT :

1. Heard.
2. Mr.Dhakne, learned counsel submits that the petitioners were appointed as Assistant Teachers in private aided Tribal Ashram Schools in the year 1999/2001. All the petitioners possess B.A.,C.T.C. Qualification. The petitioners Nos.2 and 3 subsequent to their appointment have also acquired D.Ed. Qualification in the year 2011 and 2012. The learned counsel states that the appointment of petitioners were approved by Respondent No.4. The Government issued Resolution dated 25.9.2006, thereby taking a policy decision to regularise the services of 357 trained teachers

including the petitioners and 267 untrained teachers working in Ashram Schools from the date of their appointments. The said Resolution, more particularly clause (b) thereof specifically states that the Shikshan Sevak scheme is made applicable to the Drawing Teacher/Craft Teacher as per the terms laid down in G.R. dated 18.12.2003. As per G.R. dated 18.12.2003, the pay-scale to the Craft Teachers was laid down as Rs.4,500-7,000/- i.e. the same pay-scale as admissible to trained teachers. The services of the petitioners were regularised on 10.10.2006 from the initial date of appointment. Even approval was granted to the petitioners in the pay-scale of trained teachers having C.T.C. qualification. The learned counsel states that on 12.5.1998, the Director of Education also issued a letter informing that the pay-scale of trained teacher is to be granted to the teachers possessing C.T.C. qualification. However, abruptly, without notice to the petitioners on 14.1.2015, after lapse of nine (9) years, the Respondent No.2 cancelled the pay-scale of trained primary teachers granted to the petitioners and applied the pay-scale of untrained teachers, further directed recovery. The same is illegal.

3. The learned A.G.P. states that the order impugned is self-explanatory giving reasons for cancellation of trained pay-scale given to the petitioners.

4. It is not disputed that the petitioners were granted pay-scale

of trained teacher relying upon the Government Resolution of the year 2006 and vide the impugned order, the same is cancelled. The impugned order is passed without notice to the petitioners and without hearing the petitioners. The same is in total violation of principles of natural justice. After long slumber of nine (9) years, the said benefit is sought to be withdrawn. The same could not have been done without hearing the petitioners.

5. As the impugned order is passed without hearing the petitioners, we set aside the impugned order to the extent of petitioners. The Respondent No.2 shall after hearing the petitioners pass orders with regard to the applicable pay-scale to the petitioners. The petitioners may appear before the Respondent No.2 on 6.2.2017. The Respondent No.2 after hearing the petitioners shall take decision upon the same.

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

(K . L . WADANE , J .)

(S . V . GANGAPURWALA , J .)

Dt.18.01.2017.

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