

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

WRIT PETITION NO.4721 OF 2002

Balasaheb s/o. Sahebrao Hole,
AGE : 37 years, Occ. Service,
r/o. Khamkarwadi,
Tq. Washi, Dist. Osmanabad ..Petitioner

Vs.

1. The State of Maharashtra
2. The Deputy Director of Education,
Aurangabad Division,
Near Deogiri College,
Aurangabad
3. The Education Officer (Secondary),
Zilla Parishad, Osmanabad
4. The Head Master,
Janseva Vidyalaya, Bavi,
Tq. Washi, Dist. Osmanabad ..Respondents

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Mr.S.S.Jadhavar, Advocate for petitioner
Mrs.V.N.Patil, AGP for respondent nos.1 to 3

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**CORAM : T.V. NALAWADE AND
SANGITRAO S. PATIL, JJ.
DATE : JUNE 19, 2017**

ORAL JUDGMENT (PER T.V.NALAWADE, J.):

This petition is filed seeking directions
to the respondents to see that the benefits of the

Corrigendum dated 22.01.1993 issued by School Education Department, Government of Maharashtra, Mantralaya, Mumbai, in favour of the teaching staff of the Higher Secondary schools, are given to the petitioner who is working in secondary school.

2. Heard both sides.

3. It appears that the said scheme was introduced by the Government to give higher pay scale to the teaching staff who had completed twelve years of service. There was a rider that as per the requisite qualification, if the staff was not holding training qualification, then the period of twelve years was to be counted from the date on which such teacher would obtain the requisite training qualification. It appears that subsequently due to the Corrigendum dated 22.01.1993 which was issued in favour of the teaching staff of the Higher Secondary schools, it

was provided that the services of such teachers can be counted from the date of appointment and the condition that they should possess training qualification was removed. Due to this circumstance, present petitioner is feeling that there is discrimination between the teachers who were working in Secondary Schools and those working in Higher Secondary schools.

4. The learned Counsel for the petitioner drew our attention to the Maharashtra Employees of Private Schools (Conditions of Service) Rules, 1981 so also various Rules prescribing the requisite qualifications of the aforesaid two categories of teachers. This Court has also gone through the reply affidavits filed by the respondents. The reply affidavits show that subsequently, by Government Resolution dated 06.05.2014, the aforesaid Corrigendum was cancelled and now it is compulsory for the

teachers of Higher Secondary Schools also to have training qualification as prescribed by the Rules and only after getting such qualification, the period of twelve years will be counted from the date of acquiring such qualification.

5. The learned Counsel for the petitioner submits that the petition was filed in the year 2002 and at the relevant time, the Corrigendum was in favour of the teachers of Higher Secondary Schools and so the case of the petitioner needs to be considered and the petitioner needs to given benefits of the said scheme.

6. The matter involves giving directions. It can be said that though by mistake, the Government had issued the aforesaid corrigendum and some teachers of Higher Secondary Schools got benefits thereof, giving the such benefits to the petitioner would be an illegality. The benefits

already granted to the teachers could not have been withdrawn as they had worked on that pay scale. Similar is not the case of the petitioner. Giving such directions will be against the policy of the Government and the aforesaid Corrigendum is now cancelled and similar condition is now there for both classes of teachers.

7. In view of this circumstance and as the similar benefits were not given to a single teacher of Secondary School, no such direction can be given in favour of the present petitioner.

8. The Writ Petition is dismissed. Rule is discharged.

[SANGITRAO S. PATIL, J.]

[T.V. NALAWADE, J.]