

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

Writ Petition No.4604 of 2008

* Chhaya Laxmanrao Pote,
Age 37 years,
Occupation: Service,
R/o Jambhala, Taluka Hadgaon,
District Nanded. **.. Petitioner.**

Versus

- 1) The State of Maharashtra,
Through Secretary,
Tribal Development Department,
Mantralaya, Mumbai 400 032.
- 2) The Commissioner,
Tribal Development, MS Nasik.
- 3) Additional Commissioner,
Tribal Development Amravati.
- 4) The Project Officer,
Integrated Tribal Development
Scheme, Kinwat, Dist. Nanded.
- 5) Ramaji Metkar Andh Adivasi
Vidyarthi Vasatigruha, Tamsa,
Through Head Master,
Shri Guru Samarth Sant
Rambapu Maharaj Adivasi
Ashram Shala, Jambhala,
Taluka Hadgaon, Dist Nanded. **.. Respondents.**

Shri. S.B. Talekar, Advocate, for petitioner.

Smt. P.V. Diggikar, Assistant Government Pleader, for
respondent Nos.1 to 4.

**Coram: T.V. NALAWADE &
SANGITRAO S PATIL, JJ.**

Date: 16 June 2017.

ORAL JUDGMENT (Per T.V. Nalawade, J.):

The petition is filed only to challenge some portion of the Government policy decision which can be found in Government Resolution dated 25-9-2006 issued by the Tribal Development Department of the Government. Due to the conditions mentioned in that Government Resolution, the petitioner will be entitled to get salary of trained teacher from the date mentioned in the Government Resolution. She was already terminated prior to this policy decision as her appointment was not as per the provisions and on the date of appointment she was not holding necessary educational qualification, D.Ed. She is claiming arrears of salary for the period from 1-5-2002 to 30-9-2006 which is payable to trained teachers and for that direction is sought.

2) It appears that that many similar cases were considered by the State Government and ultimately a sympathetic view was taken by the Government and the

services of all such persons whose appointments were not made properly and on the date of the appointment who were not having necessary qualification are regularized for Ashram Schools considering the necessity of teachers in Ashram schools but that is subject to some conditions mentioned in the decision. The condition is that only from the date of appointment the services were regularized and they will not be entitled to get arrears of salary. Salary was made payable from 1-10-2006 but the petitioner is claiming salary for the period 1-5-2002 to 30-9-2006. Other similarly placed teachers are not getting that benefit but the petitioner is claiming that benefit. It can be said that already sympathetic view is taken by the Government and subject to some conditions the services of the petitioner are regularized. Nothing more could have been done by the Government and this Court sees no reason to interfere in the aforesaid policy decision taken by the Government. The petition stands dismissed. Rule discharged.

Sd/-
(SANGITRAO S PATIL, J.)

Sd/-
(T.V. NALAWADE, J.)

rs1