

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 6577 OF 2016

1. Dhalsingh Rajaram Bahure,
Age: 68 Years, Occu.: Nil/Retired,
R/o.: Pawan Nagar, Hudco, N-9-K,
Aurangabad
2. Pandharinath Narayanrao Mokale,
Age: 72 Years, Occu.: Nil/Retired,
R/o.: Fatema Nagar, Harsool, S.No. 17,
Aurangabad
3. Pandit Jayram Tribhuvan (deceased)
Through wife Laxmi Pandit Tribhuwan,
Age: 54 years, Occu.: Household,
R/o.: Vaijapur, Tq.: Vaijapur,
Dist.: Aurangabad
4. Dhondiram Laxman Muthe,
Age: 74 Years, Occu.: Nil/Retired,
R/o.: Khamkheda, Tq. Dist.: Aurangabad
5. Rameshlal Hiralal Jaiswal,
Age: 70 Years, Occu.: Retired,
R/o.: N-9-A-115/21/2, Shivnery Colony,
CIDCO, Aurangabad
6. Vishwanath Raghunath Patil,
Age: 72 Years, Occu.: Retired,
R/o.: Khamkheda, Tq. Dist.: Aurangabad .. **Petitioners**

Versus

1. The State of Maharashtra,
Through the Secretary,
Department Ministry of School Education
at Mantralaya, Mumbai

2. The Deputy Director of Education,
Aurangabad
3. The Education Officer (Primary),
Zilla Parishad, Aurangabad
4. The Chief Executive Officer,
Zilla Parishad, Aurangabad

.. **Respondents**

Shri Mahesh R. Sonawane, Advocate for the Petitioners.
Shri K. D. Mundhe, A.G.P. for Respondent Nos. 1 and 2.
Shri C. D. Biradar, Advocate for the Respondent No. 3.

CORAM : **S. V. GANGAPURWALA &
S. M. GAVHANE, JJ.**

DATE : **16th November, 2017**

ORAL JUDGMENT (*Per : S. V. Gangapurwala, J.*) :

1. Heard.
2. Rule. Rule returnable forthwith. With the consent of the learned counsel for the parties, the petition is taken up for final hearing.
3. Mr. Sonawane, learned counsel submits that in this matter, the petitioners are appointed prior to 2.7.1972. Their dates of appointment are mentioned in the petition. According to the learned counsel, in view of the Government Resolution dated 4.10.1983 if the teachers are appointed prior to 2.7.1972, possession SSC qualification then they are to be considered as trained teachers and would be entitled for the pay-scale of a trained teacher. According to the learned counsel, this court has already considered this aspect in various Writ Petitions, such as

W.P.No.1311/1997 with connected Writ Petitions.

4. Learned counsel for the Zilla Parishad submits that there is no proof annexed to the petition about the dates of appointment of the petitioners. The Zilla Parishad would confirm the dates of appointment and would consider the case of the petitioners in view of the Government Resolution dated 4.10.1983.

5. The said aspect as agitated in the present petition is no longer res-integra in view of the judgment referred above.

6. The Respondent Nos. 3 and 4 on confirming itself about the dates of appointment and if it is satisfied that the petitioners are appointed prior to 2.7.1972 then the Respondents shall accord the benefit of trained Primary Teachers pay-scale to the petitioners as per Government Resolution dated 4.10.1983 i.e. pay band of Rs.1200-2040 since 1986 and in the pay-band of Rs.4500-7000 since 1996 onwards.

7. In case it comes to the conclusion that the petitioners are entitled, the same benefits shall be paid expeditiously and preferably within six (6) months from today.

8. Rule accordingly made absolute in above terms. No costs.

[S. M. GAVHANE, J.]

[S. V. GANGAPURWALA, J.]

marathe/Nov.17