

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

WRIT PETITION NO. 5157 OF 2016

Sakharam Yeshwant Shelar and others .. Petitioners

Versus

The State of Maharashtra and others .. Respondents

Shri H. A. Joshi, Advocate for Petitioners.

Shri P. S. Patil, Addl.G.P. for Respondent Nos. 1 to 3.

Shri S. S. Tope, Advocate for the Respondent No. 4.

**CORAM : S. V. GANGAPURWALA AND
MANGESH S. PATIL, JJ.**

DATE : 13TH SEPTEMBER, 2017.

FINAL ORDER :

. Mr. Joshi, the learned counsel for petitioners submits that, the petitioner No. 2 is dead and seeks leave to bring his legal heirs on record. The petitioners are permitted to bring legal heirs of the petitioner No. 2 on record.

02. We have heard the learned counsel for the petitioners and the learned AGP for respondent Nos. 1 and 2.

03. Mr. Joshi, learned counsel submits that in this matter, the petitioners are appointed prior to 02.07.1972. Their dates of appointment are mentioned in the petition. According to the learned counsel, in view of the Government Resolution dated 04.10.1983, if the teachers are appointed prior to 02.07.1972, possessing 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 Writ Petition No. 1311 of 1197 with other connected Writ Petitions.

04. The challenge as raised in the present petition is no longer *res-integra* in view of the judgment referred to above.

05. In the light of above, the respondent Nos. 3 and 4 are directed to confirm about the dates of appointment of the petitioners and if it is satisfied that the petitioners are appointed prior to 02.07.1972 then the respondents shall accord the benefit of trained Primary Teachers pay-scale to the petitioners as per Government Resolution dated 04.10.1983 i. e. pay band of Rs.1200-2040 since 1986 and in the pay- band of Rs.4500-7000 since 1996 onwards.

06. 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.

07. The writ petition accordingly stands disposed of. No costs.

[MANGESH S. PATIL, J.]

[S. V. GANGAPURWALA, J.]