

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

WRIT PETITION NO. 6484 OF 2011

Pandurang Bapurao Garad .. Petitioner
Versus
The State of Maharashtra and others .. Respondents

Shri Sachin S. Deshmukh, Advocate for the Petitioner.
Ms. Vaishali N. Patil, A.G.P. for the Respondent No. 1.
Shri U. B. Bondar, Advocate for the Respondent No. 2.
Shri H. K. Mundhe, Advocate for Respondent Nos. 3 and 4.

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

DATE : 27TH FEBRUARY, 2017.

PER COURT :

. Mr. Deshmukh, the learned counsel for the petitioner states that, the post of trained graduate teacher was vacant at the time of filing of the petition and also is subsequently vacant. The petitioner is senior most teacher in the said school, as the petitioner on the date of his appointment in the year 1997 had the qualification of B. P. Ed. and subsequently in the year 2003 has acquired the qualification of D. Ed.

2. Mr. Mundhe, the learned counsel for respondent Nos. 3 and 4 submits that, though the petitioner is appointed in the year 1997, there is one more teacher namely Smt. Suryawanshi Savita Vasantrao, who has acquired the D. Ed. qualification in the year

1998 and appointed in the year 1999. She is also claiming the benefit of trained graduate teacher's pay scale, as she is also possessing B. A. qualification.

3. Mr. Bondar, the learned counsel for the Respondent No. 2 submits that, upon receipt of the proposal, the Education Officer would take decision on its own merits.

4. The question is about the vacancy of the post of trained graduate teacher. The petitioner claims to have been appointed in the year 1997. The respondent Nos. 3 and 4 also are not disputing that the post of trained graduate teacher is vacant and available.

5. The management shall forward the proposal in respect of the petitioner with its own notings about entitlement of the petitioner or otherwise within a period of four (04) weeks from today and on receipt of said proposal, the Education Officer, Z. P. Beed shall take decision upon it on its own merits, in accordance with law, expeditiously and preferably within a period of three (03) months from the date of receipt of the proposal. The petitioner is entitled to represent himself before the Education Officer. The writ petition is disposed of. No costs.

[K. L. WADANE, J.]

[S. V. GANGAPURWALA, J.]