

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

WRIT PETITION NO. 8586 OF 2016

PRASAD BABARAO DHOKAR
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

Mr.S.R.Chaukidar, Advocate for the petitioner
Mr.K.D.Mundhe, AGP for the respondent/State

**CORAM : S.V. GANGAPURWALA &
S.M. GAVHANE, JJ.
DATED : 11.10.2017**

P.C. :-

. Mr.Chaukidar, learned counsel for the petitioner states that the petitioner is appointed on 01.10.1997 and at the time of appointment the petitioner was having qualification of M.A., B.P.Ed. In June, 2006 the petitioner acquired the qualification of D.Ed. The petitioner is paid pay scale of untrained primary teacher from 01.10.1997 to 09.06.2006. Learned counsel submits that in view of the government resolution dated 22.10.2015 and 11.11.2011 the petitioner is entitled for pay scale of trained primary teacher even from 01.10.1997 to 09.06.2006.

2. Learned AGP submits that the qualification for primary teacher is D.Ed. and from the date the petitioner possessed the qualification of D.Ed. The petitioner is considered as trained primary teacher and prior to that the petitioner has to be considered untrained teacher.

3. The issue raised is no longer *res integra*. Such persons who possess the qualification of M.A., B.P.Ed. teaching in the school from 1st std to 7th std are also considered trained teacher. Reliance can be placed on the orders of the division bench of this Court in the writ petition No.478/2011 decided on 11.10.2012 and the judgment of another division bench in writ petition no. 5997/2014 dated 17.12.2015. The government has also recognized the said aspect and has issued government resolution dated 31.10.2015 to that effect. Mr. Chaukidar, learned counsel submits that service of the petitioner as a 'Assistant Teacher' are approved from 01.10.1997.

4. In the light of above the respondents shall accord the pay scale of trained primary teacher to the petitioner from initial date of appointment till 09.06.2006 expeditiously, preferably within six months.

The writ petition accordingly stands disposed of. No costs.

[S.M. GAVHANE, J.]

[S.V. GANGAPURWALA, J.]