

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
CONTEMPT PETITION NO.756 OF 2016 IN
WRIT PETITION NO.723 OF 2009

Pratap s/o Dinkar Sonawane & others Petitioners

Versus

The State of Maharashtra & others Respondents

Mr.Vijay A. Dhakane, advocate for petitioners.
Mrs.M.A.Deshpande, A.G.P. For Respondent No.1 & 2.
Respondent No.3 served.

**CORAM : R.M.BORDE AND
A.M.DHAVAL, JJ.**
DATE : 02nd August, 2017.

P.C. :

1 It is noticed that in the judgment delivered by this Court in the writ petition, it is recorded that petitioners are having B.Ed. qualification at the time of their appointment and initially they were granted trained teacher's scale. Since the larger Bench took a view in the case of **Smt. Jayashree Sunil Chavan Vs. State of Maharashtra & others**, reported in 2000 (3) All MR 465, that D.Ed. is the requisite qualification for teaching in primary schools and as such, the teachers, who were possessing B.Ed. Qualification but were not possessing D.Ed. qualification were not to be treated as trained teachers.

2 The Division Bench further proceeded to refer to the judgment in the matter of **State of Maharashtra & others Vs. Tukaram Trambak Chaudhari & others**, reported in 2007 AIR SCW 1321, and held that such of the primary schools wherein 5th to 7th standards are attached, the teachers possessing B.Ed. qualification are required to be treated as trained teachers. The Division Bench, as such, proceeded to

direct the respondents to extend benefit of difference of salary payable to the petitioners of trained teacher's pay scale and untrained teacher's pay scale, within stipulated period.

3 Petitioners contend that there is a breach of direction issued by this Court on 2nd December, 2010.

4 It is urged on behalf of respondents that in fact some of the petitioners do not possess B.Ed. qualification, but they possess B.P.Ed. qualification. The direction relates to the teachers who have acquired B.Ed. qualification. There is Civil Application tendered by some of the petitioners seeking clarification/modification in the judgment i.e. Civil Application No.7112 of 2013 and the application is stated to be pending.

5 Learned Assistant Government Pleader, appearing for the State, informs that such of those teachers who possess B.Ed. Qualification have been extended the benefits, as directed by this Court.

6 In the circumstances, it would be open for the petitioners to move after the decision in Civil Application No.7112 of 2013. Hence cognizance of the contempt petition need not be taken.

7 Contempt Petition, as such, stands disposed of.

A.M.DHAVALÉ
JUDGE

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R.M.BORDE
JUDGE