

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

WRIT PETITION NO. 12210 OF 2016

CHANDRAKANT BHIMRAO GITE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

Mr.Vijay A. Dhakne, Advocate for the petitioner
Mr.S.W.Mundhe, AGP for the respondent/State

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

DATED : 04.10.2017

P.C. :-

1. Mr. Dhakne, learned counsel for the petitioner submits that the petitioner is assailing the order dated 21.06.2017 wherein it is held that the petitioner is not entitled to the trained-teacher's pay scale from 01.07.1997 to 04.07.2003.

2. We have heard learned counsel for the petitioner and learned AGP.

3. This Court in writ petition No. 2991/2013 under judgment dated 18.06.2013 has specifically held that the petitioner is entitled to be treated as trained-teacher from his initial date of appointment including the period of 01.05.2000 to 03.07.2003. It is also held that the

petitioner falls under 25% category and school is from 1st std to 7th std. The said judgment of this Court has become final as none of the parties have assailed the same.

4. Even approval has been granted to the petitioner as a trained-teacher for the said period. In the light of the fact that the petitioner's appointment is approved as a trained-teacher and same is also observed by this Court in writ petition No.2991/2013 under the judgment dated 18.06.2013, it was not open now to the respondent to again re-open the said issue and direct that the petitioner would not be treated as trained-teacher upto 04.07.2003.

5. The reference made in the affidavit filed by the Assistant Commissioner, Social Welfare that in another matter SLP is pending would not enure in favour of the respondent for the simple reason that as far as the present petitioner and respondent are concerned the order of this Court as referred (supra) has become final.

6. Considering the above, impugned order is quashed and set aside. The petitioner shall be treated as trained-teacher since his initial date of appointment and further consequential benefit such as time bound

promotional pay scale, increment shall be granted.

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

[S.M. GAVHANE, J.]

[S.V. GANGAPURWALA, J.]