

IN THE COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION NO. 1070/2016

(Shri Babarao Mahadeorao Mankar and 63 others vs. The State of Maharashtra and others)

Office Notes, Office Memoranda of
Coram, appearances, Court's orders
of directions and Registrar's orders

Court's or Judge's order

Ms.Dashputre, Adv.for petitioners
Ms.Bharati Dangre, G.P. for respondent no.1
Ms.Arati Singh, Adv.for Respondents 2 and 3

**CORAM : B.P. DHARMADHIKARI &
MRS.SWAPNA JOSHI,JJ.**

DATED : 13th February, 2017.

1. Heard Adv.(Ms) Dashputre for petitioners, who are all above 70-years of age; some of them have crossed 80 also.
2. Grievance is though persons who have retired before them have been extended benefit of selection grade as per Government Resolution dated 20th July 2004, it has not been extended to petitioners.
3. Our attention is being invited to various facts mentioned in Writ Petition.
4. The respondents i.e. employer/respondent no.2-Zilla Parishad and its Education Officer have not filed any reply in this respect.
5. Submissions filed by them on 30th June, 2016 point out

various developments and in paragraph 5, Zilla Parishad has stated that it was unable to understand the exact meaning of 20% to be calculated for granting pay-scale of selection grade to them. They state that letters were issued by them to other respondents on 4.11.2012 and 21.12.2012, but no response is given. The fact that petitioners had already retired is also being pressed into service. In paragraph 7, it is pointed out that as per order dated 2.12.2014, selection grade was approved only to 52 teachers who became entitled on 1.1.1986 and 1.11.1992. It is submitted that as petitioners do not figure in that order dated 2.12.2014 they are not entitled to benefits.

6. The petitioners have invited our attention to the chart produced by them on record to show that persons who have retired prior to them, have also been given benefit.

7. The fact that benefit has been extended on 2.12.2014 even to retired teachers, is not in dispute. The order mentions that it is drawn as per seniority list of Primary teachers between 1962 to 1987 and the selection grade has been made applicable to them from 1.1.1987.

8. In other order of even date, the benefit has been extended from 1.1.1988. In later orders, it has been extended from 1.1.1989, 1.1.1990, 1.1.1991 and 1.1.1992.

9. The reply filed by Zilla Parishad does not state that cases of petitioners were well-considered and they were found not eligible.

10. Considering the fact that petitioners are senior citizens, we direct respondent no.2-Zilla Parishad, to consider entitlement of petitioners in terms of the Government Resolution dated 20th July 2004 or if it is already considered and they are found not eligible, to communicate to them the reasons for holding them not eligible.

11. This exercise shall be completed within a period of ten weeks from today.

12. With these directions and keeping all rival contentions open, we dispose of present Writ Petition. No costs.

JUDGE

JUDGE

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