

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

917 WRIT PETITION NO.1557 OF 2018

JEEVAN VITHALRAO HENDRE

..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

...

Mr. Vijay A. Dhakne, Advocate for the Petitioner.

Mr. S. P. Tiwari, AGP for Respondent-State.

...

**CORAM : S. V. GANGAPURWALA &
R. G. AVACHAT, JJ.**

DATED : 11th DECEMBER, 2018.

PER COURT:-

1. Mr. Dhakne, learned counsel submits that the petitioner was appointed on 17.01.2000 in the aided tribal Ashram School. At that time the petitioner was possessing qualification of B.A. and B.P.Ed. Subsequently, the petitioner completed the postal D.Ed. in the year 2006 and he was paid the pay scale of a trained primary teacher with effect from 1.10.2006. According to the learned counsel, in view of the Government Resolution dated 11th November, 2011 petitioner would be entitled for the pay scale of trained primary teacher since the date of his appointment. As the petitioner was possessing qualification of B.A. and B.P.Ed. The learned counsel relies on the judgment delivered by this Court in Writ Petition No.6096 of 2010, Writ

Petition No.6355 of 2014, Writ Petition No.4284 of 2011. The learned counsel further submits that the Tribal Department on its own has given the said benefit to 39 similarly situated teachers.

2. The learned A.G.P. submits that the petition deserves to be dismissed on the ground of delay and laches.

3. It is not disputed that since 1st October, 2006 the petitioner is being given the pay scale of a trained primary teacher, after the petitioner acquired the qualification of D.Ed.. However, the petitioner possess the qualification of B.A. and B.P.Ed. since initial date of appointment. In view of the judgment of this Court in afore referred writ petitions, the petitione would be entitled for the said benefit.

4. In view of that, we pass the following order:

ORDER

I] The respondent shall treat the petitioner as a trained primary teacher from the date of his initial appointment and pay the arrears of salary of the petitioner on account of the difference of the salary from the date of initial appointment till the date the petitioner was granted salary of a trained primary teacher with all consequential benefits as are permissible.

II] The same shall be effectuated within a period of six (06) months.

5. The writ petition is accordingly disposed of. No costs.

(R. G. AVACHAT)
JUDGE

(S. V. GANGAPURWALA)
JUDGE

Devendra/December-18