

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

WRIT PETITION NO. 2819 OF 2006

Sandesh s/o. Bankatrao Vispute .. Petitioner
Age.39 years, Occ. Service,
Asstt. Teacher in Savitribai Phule
Madyamik Vidyalaya, Central Campus,
Phule Nagar, Rahuri,
R/o. At Mulanagar, Tq. Rahuri,
Dist. Ahmednagar.

Versus

1. The State of Maharashtra .. Respondents
Through its Secretary,
School Education Department
Mantralaya, Mumbai – 32.
2. The Deputy Director of Education,
Pune Region, Pune.
3. The Education Officer (Secondary)
Zilla Parishad, Ahmednagar.
4. The Secretary,
Savitribai Phule Shikshan Mandal,
Mahatma Phule Krishi
Vidyapeeth, Central Campus, Phule
Nagar, Rahuri, Tq. Rahuri,
Dist. Ahmednagar.
5. The Head Master,
Savitribai Phule Madhyamik Vidhyalaya
Mahatma Phule Krishi Vidyapeeth Rahuri,
Central Campus, Phule Nagar,
Rahuri, Tq. Rahuri, Dist. Ahmednagar.

Mr.M.C.Syed, Advocate for the petitioner.
Mr.N.T.Bhagat, AGP for respondent/State.
Mr.M.N.Navandar, Advocate for respondent Nos.4 and 5.

**CORAM : S.V.GANGAPURWALA &
S.M.GAVHANE, JJ.
DATED : 04.10.2018**

ORAL JUDGMENT [PER : S.V.GANGAPURWALA,J.] :-

1. The grievance of the petitioner is with regard to re-fixation of pay-scale, which was granted to the petitioner. According to learned Counsel for the petitioner, the impugned order is passed without notice to the petitioner and without hearing to the petitioner.

2. On last date, we had given time to the learned AGP to take instructions in the matter. Learned AGP submits that no instructions are received.

3. This Court on 24.04.2006 passed the following order:-

". Heard advocates for respective parties.

2. The advocate for petitioner has taken us to Schedule-B under MEPS Rules, 1981. Clause II captioned "Qualification for Training Teachers in Secondary Schools and Junior Colleges of education" has Sub Clause(3) about Drawing Teachers. In Sub Clause (3) for Drawing Teachers, required qualification is Drawing Teachers of Drawing Master's certificate or an Art Masters Certificate or Arts Teachers Diploma or Art Masters Diploma. Petitioner has passed Government Diploma in Arts. From Part IV of Schedule-C of MEPS Rules 1981, it is evident that for Drawing Teachers, who are G.D. Arts, two time scales are prescribed. Those who are appointed prior to 02.09.1989, they are entitled to draw in the scale of Rs.1400/- to 2600/- and those who are appointed after 02.09.1989, they are entitled to draw in the time scale of Rs.1350/- to 2200/-. Petitioner's appointment order is dated 14.06.1989 (Exh."A"). Thus, prima facie, petitioner appears to be entitled for higher pay scale out of the two pay scales prescribed for G.D. Arts Teachers.

3. Hence Rule. Ad-interim relief in terms of prayer clauses "E" and "G". AGP Shri Borade waives Rule notice on behalf of respondents 1 to 3."

4. The order is operative since then. As the impugned order is without notice to the petitioner, same cannot be sustained.

5. In-case, the respondents intend to take any action against the petitioner, they are at liberty to do so after issuing notice to the petitioner and calling say of the petitioner.

6. Rule is made absolute in terms of the interim order passed by this Court.

[S . M . GAVHANE , J .]

[S . V . GANGAPURWALA , J .]