

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

WRIT PETITION NO. 5828 OF 2016

Uttam Sambhaji Shinde

..PETITIONER

VERSUS

State of Maharashtra and Others

..RESPONDENTS

....

Mr. N.P. Jamalpurkar Patil, Advocate for petitioner.

Mr. S.P. Tiwari, A.G.P. for respondent – State.

Mr. R.T. Nagargoje, Advocate for respondent no.4.

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

DATED : 20th DECEMBER, 2018

ORDER :

The petitioner seeks pay scale of Trained Graduate Teacher from the date of his initial appointment i.e. from 21st June, 1999. Under order dated 17th November, 2015, the petitioner is refused the said pay scale from 21st June, 1999 but is granted the said pay scale from the year 2002.

2. We have heard the learned Counsel for the petitioner and the learned A.G.P.

3. The stand of the respondent appears to be without basis. From the year 1999-2000, temporary approval was granted to the appointment of

the petitioner. Only because the backlog of reserved category candidates was not filled in by the institution, the approval is not granted from 1999. It is not the case of the respondent that there is break in service. The petitioner appears to be in continuous service. Initially, the Headmaster submitted an application for granting approval of Trained Graduate Teacher's Pay Scale to the petitioner from 14th June, 1999. However, there was delay in submitting the application, Respondent No.3 asked the reason for delay. Respondent No.4 informed that the school committee has adopted the resolution dated 30th June, 2011 for grant of pay scale of Trained Graduate Teacher to the petitioner and the delay is caused inadvertently. However, there is no further communication received from Respondent No.3. The impugned order dated 07th November, 2015 passed by Respondent No.2 in dismissing the claim of the petitioner is without any reason. There is no reason mentioned for not considering the claim of the petitioner for granting him approval of the Trained Graduate Teacher's pay scale from the initial date of his appointment i.e. 14th June, 1999.

4. In light of the above, the impugned order is set aside. The petitioner shall be considered in the pay scale of Trained Graduate Teacher since the date of his initial appointment i.e. 14th June, 1999 and subsequent benefits shall be granted accordingly. The petitioner would not be entitled for the difference of salary. However, same shall be calculated for all further

increments. The Management may submit the proposal pursuant to the present order to the Education Officer. Writ Petition is accordingly disposed of. No costs.

SSD
(R.G. AVACHAT, J.)

(S.V. GANGAPURWALA, J.)