

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

914 WRIT PETITION NO. 8156 OF 2018

KUNDALIK NATHAJI MAGHADE AND ANR
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioners : Mr. Sonwane Mahesh R.

AGP for Respondents : Mr. A.V. Deshmukh

Advocate for Respondent Nos. 3 and 4 : Mr. V.U. Pawar
h/f Tope Sambhaji S.

...

**CORAM : S.V.GANGAPURWALA
AND
SUNIL K.KOTWAL, JJ.**

DATE : JULY 19, 2018

O R D E R :

Heard.

2. Rule. Rule returnable forthwith. With the consent of the learned counsel for the parties, the petitions are taken up for final hearing.

3. Mr. Sonawane, learned counsel submits that the petitioners are appointed prior to 2.7.1972. Their dates of appointment are mentioned in the petitions. According to the learned counsel, in view of the Government Resolution dated 4.10.1983 if the teachers are

appointed prior to 2.7.1972, possessing SSC qualification then they are to be considered as trained teachers and would be entitled for the pay-scale of a trained teacher. According to the learned counsel, this Court has already considered this aspect in various Writ Petitions, such as W.P.No.1311/1997 with connected Writ Petitions.

4. Learned counsel for the Zilla Parishad submits that there is no proof annexed to the petition about the date of appointment of the petitioners. The Zilla Parishad would confirm the dates of appointment and would consider the case of the petitioners in view of the Government Resolution dated 4.10.1983.

5. The said aspect as agitated in the present petition is no longer res-integra in view of the judgment referred above.

6. The Respondent Nos.3 and 4 on confirming itself about the dates of appointment and if it is satisfied that the petitioners are appointed prior to 2.7.1972 then the Respondents shall accord the benefit of trained Primary Teachers pay-scale to the petitioners as per Government Resolution dated 4.10.1983 i.e. pay band of Rs.1200-2040 since 1986 and in the pay-band of Rs.4500-7000 since 1996 onwards.

7. In case it comes to the conclusion that the petitioners are entitled, the same benefits shall be paid expeditiously and preferably within six (6) months from today.

8. Rule accordingly made absolute in above terms. No costs.

[SUNIL K.KOTWAL, J.]

[S.V.GANGAPURWALA, J.]

mahajansb/