

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

WRIT PETITION NO. 15303 OF 2017

Ramkrushna Narayan Paul .. Petitioner
Versus
The State of Maharashtra and others .. Respondents

Shri Vijay V. Dhakne, Advocate for the Petitioner.
Shri A. S. Shinde, A.G.P. for Respondent Nos. 1 to 5.

**CORAM : S. V. GANGAPURWALA AND
A. M. DHAVAL, JJ.**

DATE : 07TH FEBRUARY, 2018.

FINAL ORDER :

. Mr. Dhakne, the learned counsel submits that, the petitioner was appointed on 12.06.1998 in the aided tribal Ashram School. At that time the petitioner was possessing qualification of B. A. and B. P. Ed. According to the learned counsel, in view of the Government Resolution dated 11th November, 2011 the petitioner would be entitled for the pay scale of a 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 and 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 Assistant Government Pleader submits that, the deserves to be dismissed on the ground of delay and laches.
3. The petitioner possesses 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 petitioner would be entitled for the said benefit, till the date of termination on 13.04.2006.
4. In view of that, we pass the following order.

ORDER

- I] The respondents shall treat the petitioner as a trained primary teacher from the date of his initial appointment till the date the petitioner has worked 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 from today.
5. The writ petition is accordingly disposed of. No costs.

[A. M. DHAVAL, J.]

[S. V. GANGAPURWALA, J.]