

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

3 WRIT PETITION NO. 10021 OF 2013
WITH WP/10022/2013 WITH WP/10023/2013 WITH
WP/10024/2013 WITH WP/10025/2013 WITH WP/10026/2013

PRAVIN RAGHO DEORE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

WITH
WP 11414 of 2014, WP 11415 of 2014, WP 11416 of 2014,
WP 11417 of 2014, WP 11418 of 2014, WP 11419 of 2014,
WP 11420 of 2014, WP 11421 of 2014, WP 11422 of
2014,,WP 11423 of 2014 AND WP 712/2015,

...

Advocate for Petitioner : Mr.Chaudhari S.U. And Mr.
Vaishali S. Choudhari

AGP for Respondent Nos 1 & 2 : Mr. S.G.Karlekar

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

DATE : JULY 19, 2018

O R D E R :

Mr. Choudhary, learned counsel for the petitioners submits that all these petitioners possess qualification of B.Ed. But the are not being paid pay scale of trained graduate teacher. Some of them are teachers in the School from 1st to 7th Standard and some of them are teachers in the school run upto 10th Standard.

2. Learned counsel submits that commensurate to their qualification they are entitled for the pay scale of trained graduate teacher. Learned counsel relies on the judgment of Division Bench of this Court in the case of **Kondiba Dattarao Mirashe vs State of Maharashtra and others**, reported 2003 (2) **Mh.L.J. 432** and the judgment of Apex Court in the case of **State of Maharashtra vs Tukaram Tryambak Chaudhari and others**, reported in 2007 (9) **SCC 201**.

3. Learned AGP submits that as the school is from 1st to 7th Standard, the petitioners are not appointed in 25% posts meant for B.Ed. category and they all are appointed on D.Ed category, as such, they are not entitled for pay scale of trained graduate teacher.

4. If the petitioners claim that they are trained graduate teachers in school from 1st to 7th standard, they will have to show that they are appointed in 25% posts meant for B.Ed. category. The petitioners will have to produce seniority list and the proof of working in said

institution and if they can show that they come within the purview of 25% posts, then they would be entitled for the pay scale of trained graduate teacher. If the school is run upto 10th standard, the petitioners will have to show the standard to which they are teaching because the appointment of teacher for 8th to 10th standard is made subject one. The petitioners will have to show the standard for which they are appointed to teach commensurate thereof and if it is found that they are teaching 8th to 10th standard, they would be entitled for pay scale of trained graduate teachers.

5. The petitioners shall put forth all the record before the authority i.e. Deputy Director of Education. The petitioners may appear before Deputy Director of Education on 16.8.2018. They may produce such record on which they want to rely.

6. The Deputy Director of Education shall consider the case put forth by the petitioners and decide the siad representation/case of the petitioners, in view of the observations made above and shall take decision upon it

expeditiously, preferably within four months from the date of appearance. With these observations, Writ Petitions are disposed of. No costs.

[**SUNIL K.KOTWAL, J.**] [**S.V.GANGAPURWALA, J.**]

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