IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 14698 OF 2017

Janabai Nivrutti Bajad .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri B. S. Kudale, Advocate for the Petitioner.
Shri S. G. Karlekar, A.G.P. for Respondent Nos. 1 and 2.
Ms. Pratibha Bharad, Advocate for Respondent Nos. 3 and 4.

CORAM : S. V. GANGAPURWALA AND
A. M. DHAVALE, JJ.
DATE : 22ND FEBRUARY, 2018.

FINAL ORDER :

. The learned counsel for the petitioner submits that, the husband of the petitioner was appointed as primary teacher in the year 1967. He possessed S.S.C. qualification and as per G.R. dated 04.10.1983 all those teachers who were appointed prior to 1972 and possess S.S.C. qualification are deemed to be trained primary teachers.

2. Ms. Bharad, the learned counsel for respondent Nos. 3 and 4 submits that, the petition suffers from delay and laches. The husband of the petitioner retired in the year 1999 and subsequently died in the year 2009 and petition is filed in the

year 2017.

3. The issue is no longer res-integra. This Court in various matters including Writ Petition No. 10418 of 2014 under order dated 14.01.2015 has held that, such teachers are to be held as trained primary teachers.

4. In the light of the above, we pass following order.

5. If husband of the petitioner is appointed prior to 1972 and was holding SSC qualification then the husband of the petitioner is entitled for the pay band of Rs.1200-2040 since 1986 and pay band of Rs. 4500-7000 since 1996. The Respondents on satisfying themselves about the said fact and if they find the husband of the petitioner eligible, shall release the said benefits to the petitioner expeditiously and preferably within six (6) months. The writ petition is accordingly disposed of. No costs.

[A. M. DHAVALE, J.] **[S. V. GANGAPURWALA, J.]**

bsb/Feb. 18