

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Writ Petition No.24 of 2016

(Maharashtra Rajay Paddawidhar Prathamik Shikshak Mahasangh

vs.

Zillah Parishad, Bhandara and another)

with

Writ Petition No.1116 of 2016

(Maharashtra Rajya Paddawidhar Prathamik Shikshak Mahasangh

vs.

Zilla Parishad, Bhandara and another)

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Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

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Court's or Judge's Orders

Smt. Neeta Jog, Advocate for the Petitioner.
Shri H.N. Verma, Advocate for the Respondents.

**CORAM : B.P. DHARMADHIKARI &
ARUN D. UPADHYE, JJ.**

DATE : 5th MARCH, 2018.

01] Heard for some time.

02] Question is, whether order dated 15/07/2014 mentioning Pay Band of Rs.9300-34800 with Grade Pay of Rs.4300 to a Trained Graduate Teacher in a primary school entitles petitioners to contend that subsequent act of mentioning Pay Band of Rs.5200-20200 with Grade Pay of Rs.2800 is illegal.

03] Petitioners have not pointed out service rules to show that Trained Graduate Teachers needed to be fixed in Pay Band of Rs.9300-34800 with Grade Pay of Rs.4300. They have also not pointed out that their counterparts, who were given that post earlier, are receiving that Pay Band or that Grade Pay.

04] Though, respondents before this Court submit that Pay Band of Rs.9300-34800 was erroneously prescribed and Grade Pay of Rs.4300 is also wrong, they have non relied upon service rules and prevailing service conditions to justify the act of correction.

05] Here, the corrigendum is issued on 23/11/2015 and in it, the Pay Band of Rs.5200-20200 with Grade Pay of Rs.2800 is mentioned.

06] The State Government on 19/01/2016 and the Directorate of Primary Education on 25/01/2016 took a note of this error and issued some directions.

07] During arguments, Shri Verma, learned Counsel for respondents has invited our attention to Revised Pay Rules issued in 2009 to point out pay scales applicable to Trained Primary Teachers.

08] Neither the State Government nor the Directorate of Primary Education are respondents before this Court.

09] In this situation, we direct respondent no.1 to extend opportunity of hearing to petitioners in the matter and to pass suitable orders thereafter. Petitioners shall appear before respondent no.1 for this purpose on 5th April, 2018 and respondent no.1 shall pass suitable order in next two months.

10] With these directions and leaving all rival contentions open, we dispose of the writ petitions. No costs.

JUDGE

JUDGE