

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

950 WRIT PETITION NO.6792 OF 2019

VITHOBA RAMBHAU KALUSE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

with
1035 WRIT PETITION NO.6907 OF 2019

VINAYAKRAO JIJABA DESHMUKH
VERSUS
THE STATE OF MAHARASHTRA AD OTHERS

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Advocate for Petitioners : Mr. Sonwane Mahesh R.
AGP for Respondents/State : Mrs. R.P. Gour and G.L. Deshpande
Advocate for Respondents : Mr. Tope Sambhaji S. for R No. 3 & 4

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**CORAM : S.V. GANGAPURWALA &
MANGESH S. PATIL, JJ.**
DATE : 12.06.2019

PC. :-

Mr. Sonwane the learned counsel for the petitioners submit that the petitioners were appointed prior to 1972 and were possessing S.S.C. qualification. As per the Government Resolution dated 04.10.1983 those who were appointed prior to 1972 and possessing S.S.C. are deemed to be trained teachers. They are entitled to the pay scale of trained teachers, however the petitioners are not given the benefit of the scale of the trained teachers. The respondents be directed to give the said benefit.

2. The learned A.G.P appears for respondent nos.1 and 2. The learned advocate Mr. S.S. Tope appears for respondent nos.3 and 4 and opposes the request.

3. The petitioners have retired long back. They did not move the Court regarding their grievance about the pay scale of a trained teacher.

4. The petitioners certainly in view of the Government Resolution dated 04.10.1983 would be deemed trained teachers. if they are possessing S.S.C. qualification and are appointed prior to 1972. However, considering the fact that the petitioners have approached this Court too late, we are not inclined to grant them the actual benefit for the past period. The said pay scale of trained teachers shall be notionally calculated in case of the petitioners. The petitioners pensionary benefit shall be calculated considering the petitioners as deemed trained teachers.

5. The respondents shall after verifying that the petitioners are S.S.C. pass and are appointed prior to 1972 shall consider petitioners as deemed trained teachers and the pay scale shall be notionally calculated till the date of retirement. The respondents shall pay the retiral benefits to the petitioner as is applicable to the deemed trained teachers and the pension amount shall be calculated of the petitioners as deemed trained teachers and the said pensionary benefits be accorded to the petitioners, the same shall be

done within a period of six months. Writ petitions are disposed of. No costs.

[MANGESH S. PATIL, J.]

[S.V. GANGAPURWALA, J.]