

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

9 WRIT PETITION NO.1139 OF 2018

NAMDEV UMAJI AHIRE AND OTHERS ..PETITIONERS

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

...

Mr. Ashok R. Tapse, Advocate for the Petitioners.

Mr. V. M. Kagne, AGP for Respondents-State.

Mr. V. S. Panpatte, Advocate for Respondent Nos.3 and 4.

...

WITH

9.1 WRIT PETITION NO.3356 OF 2018

GANPATRAO NAGORAO KAMBALE AND OTHERS ..PETITIONERS

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

...

Mr. Ashok R. Tapse, Advocate for the Petitioners.

Mr. V. M. Kagne, AGP for Respondents-State.

Mr. Sharada P. Chate, Advocate for Respondent Nos.3 and 4.

...

**CORAM : S. V. GANGAPURWALA &
AVINASH G. GHAROTE, JJ.**

DATED : 14th NOVEMBER, 2019.

PER COURT:-

1. Mr. Tapse, learned counsel for the petitioners submits that petitioners have got qualification of SSC. They are appointed as Assistant Teacher prior to 1972. The petitioners seek benefit of Government Resolution dated

04.10.1983 to submit that they are to be treated as deemed trained teachers.

2. Mr. Panpatte, learned counsel for respondents submits that the petition deserves to be dismissed on the ground of delay and laches.

3. The issue is no longer *res integra*. This Court in catena of judgments has held that the persons appointed prior to 1972 and possessing SSC qualification are deemed teachers. More particularly, in view of the Government Resolution dated 04.10.1983.

4. However, petitioners have approached this Court after long slumber, we would restrict the benefit to the extent of pension and held that petitioners are entitled for notional pay scale of trained teachers till the date of his retirement.

5. In light of that, we direct respondents to confirm the qualification possessed by petitioners of SSC and their appointments prior to 1972 and if satisfied that petitioners possessed the SSC qualification and are appointed prior to 1972 shall notionally grant them the scale of deemed trained teacher as applicable from time to time. We are not giving actual benefit till the date of retirement. The said benefit shall be calculated for pension purpose and the pension of the petitioner since the date of its retirement shall

be paid considering him to be deemed trained teachers. The same shall be done expeditiously and preferably within a period of six months.

6. Writ Petitions are disposed of. No costs.

(AVINASH G. GHAROTE)
JUDGE

(S. V. GANGAPURWALA)
JUDGE