

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

86 WRIT PETITION NO.7745 OF 2006

PATHAK SHIVAJI KESHAVRAO
VERSUS
THE STATE OF MAH & ORS

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Mr. S.V.Kurundkar, Advocate for Petitioner.
Mrs. M.A.Deshpande, AGP for Respondents-State.
Mr. R.R.Mantri, Advocate for Respondent Nos.3 & 4.

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**CORAM : S.V. GANGAPURWALA AND
MANGESH S. PATIL, JJ.**

DATE : 24th June, 2019

PER COURT :-

1. The petitioner claims benefit of graduate teacher's pay scale. Mr. Kurundkar, the learned counsel submits that the petitioner had the qualification of 'SSC' and 'Sahitya Shashtri'. The qualification 'Sahitya Shastri' is equivalent to 'Bachelor of Arts' (B.A.). The learned counsel relies on the recommendation of the Government dated 26.12.1959. According to the learned counsel, the petitioner was working as a full time permanent employee from 01.01.1986. Earlier to that, he was working on a part time post. The petitioner has retired on attaining the age of superannuation on 31.12.2001. In the year 1994, the petitioner had requested

the Management to accord the benefit of the graduate pay scale. The same was also not considered. The Education Officer has also filed an affidavit directing the Management to forward the proposal.

2. Mr. Mantri, the learned counsel for the Management submits that the petitioner is not entitled of a pay scale claimed. The petitioner has at the time of each and every revision of the pay scale signed the service book and at that time did not raise any objection. The petitioner was appointed on 01.01.1986 and is relying on the communication of the year 1959 to claim equivalence. The Petition is thereafter filed in 2006. Now the old record is not available.

3. The service book is placed on record.

4. We have asked the learned counsel for the petitioner, as to whether the petitioner was teaching in Primary or Secondary Division? The details of the same are not available with the petitioner. For primary, D.Ed. would be the required qualification. There is nothing on record to suggest whether the petitioner was teaching the Secondary Division also and the availability of post for the graduate

teacher, is also not on record. In absence of any details, it would not be possible for this Court to pass an order directing grant of a particular pay scale. Even if we accept the contention of the petitioner about the equivalence still in absence of all the details, it would not be possible to come to a definite conclusion as observed supra.

5. In light of the above, the Writ Petition is disposed of.
No costs.

(MANGESH S. PATIL, J.) (S.V. GANGAPURWALA, J.)

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vmk/-