

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

WRIT PETITION NO. 8994 OF 2018

Bhausahab Baurao Waghmode .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri Vitthal G. Salgare, Advocate for the Petitioner.

Ms. Vaishali N. Jadhav Patil, A.G.P. for Respondent Nos. 1 & 2.

Shri Shantaram R. Dheple, Advocate for the Respondent No. 3.

Shri Milind M. Joshi, Advocate for Respondent Nos. 5 and 6.

**CORAM : S. V. GANGAPURWALA AND
A. M. DHAVALA, JJ.**

DATE : 07TH FEBRUARY, 2019.

FINAL ORDER :

. The petitioner assails the communication dated 25th May, 2018 that is the audit objection issued by the respondent No. 4 and the letter dated 17.07.2018 claiming recovery on account of excess payment to the petitioner.

2. Heard the learned counsel for the petitioner, the learned Assistant Government Pleader and the learned counsel for respective respondents.

3. The petitioner it appears was appointed in the year 2001 as

a trained graduate teacher. The approval was granted to the appointment of the petitioner in the year 2010 as a trained graduate teacher with effect from 20.10.2001. The communication is issued that the petitioner is not eligible for payment of trained graduate teacher pay scale, as the petitioner did not pass B. Ed. Examination within the period of seven years from the date of his appointment.

4. According to the petitioner as per the Government Resolution dated 14.06.2010, the period is extended upto the year 2015. The earlier order dated 25.10.2010 is rightly passed by the Education Officer. The impugned audit objection is illegal.

5. According to the learned Assistant Government Pleader, the petitioner cannot get the benefit of the Government Resolution dated 14.06.2010 as seven years period during which the petitioner was to acquire the B. Ed. qualification came to an end in the year 2008.

6. The period has been extended by five years considering the provisions of the Right of Children to Free and Compulsory Education Act, 2009. Even the benefit has not been given to the petitioner by the Education Officer of salary being paid of a trained graduate teacher upto the year 2010. The same is to be borne by the management. The public exchequer is not put to

loss. The petitioner has subsequently within the period as regulated under G. R. dated 14.06.2010 has acquired the B. Ed. qualification.

7. In the light of the above, the impugned communication claiming recovery and the audit objection are quashed and set aside. The writ petition is disposed of. No costs.

[A. M. DHAVAL, J.]

[S. V. GANGAPURWALA, J.]

bsb/Feb. 19