

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

930 WRIT PETITION NO.9467 OF 2019

SITARAM GANPATRAO SONTAKKE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioners : Mr. Kawale Laxman H.
AGP for Respondents/State : Mr. S.N. Morampalle
Advocate for Respondents : Ms. Y.M. Kshirsagar for R/3

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

DATE : 31.07.2019

PC. :-

Issue notice to the respondents. The learned AGP waives notice for respondent Nos. 1 and 2. Ms. Kshirsagar, the learned counsel waives service of notice for respondent No.3. According to the learned counsel for the petitioners, the petitioners are appointed prior to 1972 and are governed by the Government Resolution dated 04.10.1983. They are to be treated as deemed trained teachers. The pay scale is to be awarded to them that of a deemed trained teacher.

2. Ms. Kshirsagar, the learned counsel submits that the petitioners have approached this Court late. The petition may not be entertained on the

ground of delay and laches.

3. We have considered the submissions. In catena of decisions, this Court has held that such petitioners who are appointed prior to 1972 and possessed SSC qualification are deemed trained teachers as per the Government Resolution dated 04.10.1983.

4. However, considering the fact that the petitioners have approached this Court after a long slumber, we are not inclined to grant the petitioners actual benefit of the arrears of salary of a deemed trained teacher till the date of the retirement. However, the same shall be notionally calculated and the actual benefit be given to the petitioners for pension purposes and other retiral benefits.

5. The said exercise shall be done by the respondents expeditiously, preferably within a period of four months.

6. Writ Petition is accordingly disposed of. No costs.

[MANGESH S. PATIL, J.]

[S.V. GANGAPURWALA, J.]