

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

57 WRIT PETITION NO.11119 OF 2019

KISAN NARAYAN BHIKANE

..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

...

Mr. Laxman N. Kawale, Advocate for the Petitioner.

Mr. S. B. Narwade, AGP for Respondents-State.

Mr. S. B. Pulkundwar, Advocate for Respondent No.3.

...

**CORAM : S. V. GANGAPURWALA &
ANIL S. KILOR, JJ.**

DATED : 09th SEPTEMBER, 2019.

PER COURT:-

1. Issue notice to the respondents. The learned AGP waives notice for respondent Nos. 1 and 2. Mr. Pulkundwar, 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. Mr. Pulkundwar, the learned counsel submits that the petitioners have approached this Court late. The petition may not be entertained on

the ground of delay and latches.

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 and preferably within a period of four (04) months.

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

(ANIL S. KILOR)
JUDGE

(S. V. GANGAPURWALA)
JUDGE