

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

WRIT PETITION NO. 13028 OF 2018

Bhagwandas S/o Kishandas Vaishnav ...Petitioner

Versus

The State of Maharashtra and Ors. ...Respondents

Mr. M.R. Sonwane, Advocate for Petitioner
Mrs. A.V. Gondhalekar, Additional Government Pleader
for Respondent Nos. 1 and 2
Mr. S.S. Tope, Advocate for Respondent Nos. 3 and 4

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

DATE: 7th JANUARY, 2019

PER COURT

1. The petitioner seeks pay scale of deemed trained teacher from 01.01.1986 in the pay band of Rs. 1200-2040 and from 01.04.1996 in the pay band of Rs.4500-7000. The petitioner has retired in the year 2002 and the petition is filed in the year 2018.

2. In that case, the petitioner if appointed prior to 1972 and had qualification of SSC, then the petitioner is deemed to be a trained teacher and the Government Resolution dated 04.10.1983 applies to the petitioner. However, we are not

inclined to grant the actual monetary benefits to the petitioner for the said period.

3. The Zilla Parishad shall verify the factum of the appointment of the petitioner prior to 1972 and the petitioner possessing SSC qualification and after verification, and then notionally calculate the pay scale as per the said Government Resolution. Even if the respondents arrive at the conclusion that petitioner is covered as per the Government Resolution dated 04.10.1983, however, petitioner will not be entitled to actual monetary benefits, but the pensionary benefits shall be given to the petitioner as per the pay scale of a trained teacher as per the Government Resolution dated 04.10.1983 after verifying the facts.

4. The writ petition is disposed of. No costs.

(A.M. DHAVAL, J.) (S.V. GANGAPURWALA, J.)

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