

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

970 WRIT PETITION NO.13474 OF 2019

YADAV CHOKHAJI PATIL

..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

...

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

Mr. S. P. Tiwari, AGP for Respondent Nos.1 and 2.

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

...

**CORAM : S. V. GANGAPURWALA &
AVINASH G. GHAROTE, JJ.**

DATED : 06th NOVEMBER, 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 petitioner, the petitioner is appointed prior to 1972 and is governed by the Government Resolution dated 04.10.1983. He is to be treated as deemed trained teacher. The pay scale is to be awarded to him that of a deemed trained teacher.

2. Mr. Pulkundwar, the learned counsel submits that the petitioner has 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 petitioner has approached this Court after a long slumber, we are not inclined to grant the petitioner 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.

(AVINASH G. GHAROTE)
JUDGE

(S. V. GANGAPURWALA)
JUDGE