

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

18 WRIT PETITION NO.14421 OF 2019

MOTIRAM TULSIRAM MAHOR

..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

...

Mr. Vitthal G. Salgare, Advocate for the Petitioner.

Mr. A. B. Girase, Government Pleader for Respondent Nos.1 and 2.

Mr. S. R. Dheple, Advocate for Respondent Nos.3 and 4.

...

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

DATED : 02nd DECEMBER, 2019.

PER COURT:-

1. Mr. Salgare, learned Counsel for the petitioner, submits that the petitioner was appointed prior to 1972 and was possessing S.S.C. qualification. As per the Government Resolution dated 04.10.1983, those, who were appointed prior to 1972 and possessing S.S.C. qualification, are deemed to be trained teachers. They are entitled to the pay scale of trained teachers, however, the petitioner was not given the benefit of the scale of the trained teachers. The respondents be directed to give the said benefit.

2. The learned Government Pleader appears for Respondents No.1 and 2. Mr. Dheple, learned counsel appears for Respondents No.3 and 4 and opposes the request.

3. The petitioner has retired long back. He did not move the Court regarding his grievance about the pay scale of a trained teacher.

4. The petitioner certainly, in view of the Government Resolution dated 04.10.1983, would be a deemed trained teacher, If he is possessing S.S.C. qualification and was appointed prior to 1972. However, considering the fact that the petitioner has approached this Court too late, we are not inclined to grant him the actual benefit for the past period. The said pay scale of trained teachers shall be notionally calculated in case of the petitioner. The petitioner's pensionary benefits shall be calculated considering the petitioner as deemed trained teacher.

5. The respondents, after verifying that the petitioner is S.S.C. passed and was appointed prior to 1972, shall consider him as deemed trained teacher and the pay scale shall be notionally calculated till the date of retirement. The respondents shall pay the retiral benefit to the petitioner, as is applicable to the deemed trained teachers and the pension amount shall be calculated considering the petitioner as deemed trained

teacher and the said pensionary benefits be accorded to the petitioner. The same shall be done within a period of six months.

6. Writ Petition is disposed of. No costs.

(AVINASH G. GHAROTE)
JUDGE

(S. V. GANGAPURWALA)
JUDGE

Devendra/December-19