

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

(158) WRIT PETITION NO.439 OF 2019

Baburao Rangnathrao Mane and ors.

.. Petitioners

Versus

The State of Maharashtra and ors.

.. Respondents

Mr S.K. Mathpati, Advocate for petitioners

Mr P.S. Patil, Addl.G.P. for respondents no.1 to 3

Mr S.S. Manale, Advocate for respondent no.5

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

DATE : 30.09.2019

ORAL ORDER:

1. Issue notice to the respondents. The learned A.G.P. waives notice for respondent nos.1 to 3. Mr Manale, learned Advocate waives notice for respondents no.5. According to the learned counsel for the petitioners, the petitioners are appointed prior to 1972 and are governed by the Government Resolution dated 4.10.1983. 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 Manale, 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 petitioner who is appointed prior to 1972 and possessed SSC qualification is deemed trained teacher as per the Government Resolution dated 4.10.1983.

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 purpose and other retiral benefits.

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

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

(ANIL S. KILOR, J.)

(S.V. GANGAPURWALA, J.)

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