

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Amk

WRIT PETITION NO. 1546 OF 2016

Nashik Zilla Parishad Prathamik
Shikshak Kruti Samiti

.. Petitioner

Vs.

The Chief Executive Officer,
Zilla Parishad, Nashik & Ors.

.. Respondents

Mr. Vivek Salunke for the Petitioner.

Ms. Anamika Malhotra for Respondent Nos. 1 & 3.

Mr. A. I. Patel, Addl GP a/w. Mr. M. M. Pabale, AGP for Respondent
No.2.

**CORAM : PRADEEP NANDRAJOG, C.J. &
N. M. JAMDAR, J.**

DATE : 17th JUNE, 2019.

P.C. :

1. Heard learned Counsel for the parties.
2. On 10th July, 2000 the State Government took a decision that teachers in primary schools established by the State Government or the Zilla Parishads must acquire a certificate of having passed MS CIT computer examination. The averments in the Writ Petition are suggestive of the case of the Petitioner-Association being that said Government Resolution dated 10th July, 2000 is illegal because once having them given appointment as primary teachers, acquiring said

certificate could not be made directed. The requirement of obtaining the certificate could not be thrust upon the teachers. However, there is no prayer to the effect that the said Government Resolution be quashed.

3. Even otherwise, with passage of time, if it becomes necessary for a teacher to acquire a technical skill, we see no reason why a teacher would not be liable to acquire said qualification. In the era of computerization, teachers at primary level must have basic knowledge of computer operation.

4. Be that as it may, the Government Resolution in question gave one year time to teachers in primary school to acquire the necessary technical qualification; the period was extended till the year 2007. Those teachers who did not acquire the necessary certificates were visited with the consequence of stop in increments. This was with effect from 31.12.2007. It appears that the increments were given, result in an order being passed on 15.12.2015 directing the recoveries to be made.

5. Challenge is to said order.

6. Learned Counsel for the Petitioner states that all primary school teachers who marched under the banner of the Petitioner have since acquired necessary certificates. Learned Counsel has produced an office order dated 20.11.2018 noting that proposals have been received from

teachers to further extend time to acquire the certificate in the computer training course and thus in the light of the representation received, recoveries be not made till further orders.

7. Thus, instant Petition is disposed of noting the stand of the Petitioner that its members have acquired the necessary certificates and in view thereof declaring that in view of order dated 20.11.2018 no recovery shall be made from the members of the Petitioner's Association.

[N. M. JAMDAR, J.]

[CHIEF JUSTICE]