

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.600 OF 2020
(Pathan Emam Maheboob and another Vs. The State of Maharashtra and others)

Mr. Ashok R. Tapse, Advocate for the petitioners
Mr. A.R. Kale, A.G.P. for the respondent/State
Smt. Sharda P. Chate, Advocate for respondent Nos.3 and 4

CORAM : S.V. GANGAPURWALA AND
MANGESH S. PATIL, JJ.

DATE : 13.01.2020

PER COURT :

Mr. Tapse, the learned counsel for the petitioners submits that the petitioners were appointed prior to 1972 and were 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 petitioners are not given the benefit of the scale of the trained teachers. The respondents be directed to give the said benefit.

2. The learned A.G.P appears for respondent Nos. 1 and 2. The learned advocate Smt. S.P. Chate appears for respondent Nos. 3 and 4 and opposes the request.

3. The petitioners have retired long back. They did not move the

Court regarding their grievance about the pay scale of a trained teacher.

4. The petitioners certainly, in view of the Government Resolution dated 04.10.1983, would be deemed trained teachers, if they are possessing S.S.C. qualification and are appointed prior to 1972. However, considering the fact that the petitioners have approached this Court too late, we are not inclined to grant them the actual benefit for the past period. The said pay scale of trained teachers shall be notionally calculated in case of the petitioners. The petitioners' pensionary benefit shall be calculated considering the petitioners as deemed trained teachers.

5. The respondents shall, after verifying that the petitioners are S.S.C. passed and appointed prior to 1972, consider petitioners as deemed trained teachers and the pay scale shall be notionally calculated till the date of retirement. The respondents shall pay the retiral benefits to the petitioners as is applicable to the deemed trained teachers and the pension amount of the petitioners shall be calculated as deemed trained teachers and the said pensionary benefits be accorded to the petitioners. The same shall be done within a period of six months.

6. Writ petition is disposed of. No costs.

[MANGESH S. PATIL]
JUDGE

[S.V. GANGAPURWALA]
JUDGE

