

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

WRIT PETITION NO. 4013 OF 2021

Shri Shivaji s/o Ramarao Mali

.. Petitioner

Versus

The State of Maharashtra and others

.. Respondents

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

Mr. S. K. Tambe, AGP for Respondent Nos. 1 and 2.

Mr. V. M. Vibhute, Advocate for Respondent No. 3.

**CORAM : S. V. GANGAPURWALA &
SHRIKANT D. KULKARNI, JJ.**

DATED : 04th March, 2021.

PER COURT:-

. At the request of the learned counsel for the petitioner leave to correct respondent No. 3.

2. Issue notice to the respondents. The learned A.G.P. waives notice for respondent Nos. 1 and 2 and Mr. Vibhute, learned Advocate waives notice for respondent No. 3.

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.

4. Mr. Vibhute, learned counsel submits that the petitioner has approached this Court late. The petition may not be entertained on the ground of delay and laches.

5. 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 04.10.1983.

6. 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 petitioner for pension purpose and other retiral benefits.

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

8. Writ petition is accordingly disposed of. No costs.

(SHRIKANT D. KULKARNI)
JUDGE

(S. V. GANGAPURWALA)
JUDGE

PS.B.