

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

906 WRIT PETITION NO.8519 OF 2018

PANDIT DAGDU GAIKWAD
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioner : Mr. Pagare S. N.
AGP for Respondents-State : Smt. V. N. Patil-Jadhav.

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**CORAM : RAVINDRA V. GHUGE, AND
S. G. MEHARE, JJ.**

DATE : 13.10.2021

PER COURT :-

1. By this petition, the petitioner seeks a direction to respondent Nos.5 and 6 to forward the proposal of the petitioner for consequential service benefits in view of the pay scale applicable to graduate primary school teacher (प्राथमिक पदवीधर).

2. The notice issued by this Court on 26.07.2018 has been served on contesting respondent No.6, the Head Master, who is authorized to send the proposal. The learned advocate for the petitioner submits that respondent No.5 is a formal party and prays for leave to delete. Leave granted. Deletion of

respondent No.5 be carried out forthwith at the risk of the petitioner. Despite service of Court notice, respondent No.6 has not caused an appearance, either in person or through a learned advocate.

3. Having considered the submissions of the learned advocate for the petitioner and the learned AGP, we find that the petitioner is only praying for forwarding of his proposal by respondent No.6, for consideration of respondent No.4 – Education Officer (Secondary), keeping in view that he has joined employment as a primary teacher on 15.06.1987. He has acquired his Master's degree in Geography in 1986 and the certificate is placed on record.

4. In view of the above, this petition is disposed off with the following directions :-

(a) Respondent No.6 shall forward the proposal of the petitioner to respondent No.4, on or before 30.11.2021.

(b) After receiving the said proposal, respondent No.4 shall follow the procedure as is laid down in law and shall consider the record which is

relevant and independently decide on merits as to whether the petitioner, who is now a pensioner, can be considered for the pay scale benefits.

- (c) We make it clear that we have not expressed any view as regards the claim of the petitioner and we expect respondent No.4 to apply his mind and the rules and take an independent decision while passing a reasoned order.
- (d) We expect respondent No.4 to take a decision, on or before 31.01.2022.

(S. G. MEHARE, J.)

(RAVINDRA V. GHUGE, J.)

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vmk/-