

(1)

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

23 WRIT PETITION NO.6302 OF 2020

**MADHUKAR VYANKATRAO KULKARNI
VERSUS
THE EDUCATION OFFICER (SECONDARY), Z.P., LATUR &
ORS.**

...

Mr Y. P. Deshmukh a/w Ms. V. P. Deshmukh, Advocates h/f Mr R. R. Barhate, Advocate for petitioner;
Mr S. B. Pulkundwar, A.G.P. for respondent Nos.1, 2 & 5;
Mr V. V. Bhavthankar, Advocate for respondent Nos.3 & 4

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

DATE : 2nd August, 2021

PER COURT:

1. Leave to add the Education Officer (Secondary), Zilla Parishad, Beed as respondent No.5. Addition be carried out forthwith.
2. Issue notice to respondent No.5. The learned A.G.P. waives service of notice and causes an appearance.
3. We have heard the learned Advocates for the respective sides. There is no dispute that the petitioner was transferred to the School

(2)

operated by respondent No.3 at Majalgaon. Challenge to such transfer and reversion to the position of an Assistant Teacher, is pending in Writ Petition No.6303/2020. The petitioner has also filed another Writ Petition No.1508/2020 which pertains to non-payment of wages. That petition is also pending.

4. The learned Advocate for the petitioner submits in this Writ Petition No.6302/2019, that the petitioner prays for the commencement of pension on the basis of his post as an Assistant Teacher after demotion.

5. The learned Advocate for the Management submits that the Management would submit the necessary papers to respondent No.5, on or before 21/08/2021. The Education Officer (Secondary) would fix the pay scale as per the 7th Pay Commission recommendation commensurate to his position as an Assistant Teacher. The learned Advocate for the petitioner submits that this can be done subject to the outcome of his pending petitions wherein he has challenged his reversion from the post of Supervisor to the post of an Assistant Teacher.

(3)

6. In view of the above, this petition is disposed off by directing respondent – Management to submit the pension papers of the petitioner applicable to the post of an Assistant Teacher, to respondent No.5, on or before 21/08/2021. Upon receipt of these papers, respondent No.5 would decide the pay-scale of the petitioner as per the 7th Pay Commission recommendation, if applicable, to the post of an Assistant Teacher within three weeks and then forward the file to the Accountant General at Nagpur, which shall commence his pension within four weeks therefrom.

7. Needless to state, as the petitioner has stated in his affidavit rejoinder that all the necessary formalities for processing pension papers including submission of his photographs, have already been complied with, respondent Nos.3, 4 and 5 would comply with these directions.

(S. G. MEHARE, J.)

(RAVINDRA V. GHUGE, J.)

sjk