

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
NAGPUR BENCH : NAGPUR

WRIT PETITION NO. 890 OF 2021

Hemlata Gajanan Gonnade

-- Petitioner

vs.

The State of Maharashtra and others

--Respondents

Mr. N. B. Kalwaghe, Advocate for Petitioner.

Ms. Ketaki Joshi, I/c. G.P. for Respondent Nos.1 & 2.

CORAM : NITIN JAMDAR &  
ANIL S. KILOR, JJ.

DATE : 15 FEBRUARY 2021

P. C. :

Heard learned counsel for the Petitioner and the learned I/c. Government Pleader for Respondent Nos.1 and 2.

2. Looking to the facts of the present case, it is not necessary to issue notice to Respondent No.3 – Zilla Parishad, Bhandara.

3. The Petitioner is seeking a direction to the Respondent No.2 – Director of Education to forward the proposals dated 12 September 2019 and 31 December 2019 submitted by Respondent No.3 – Zilla Parishad to the State Government. The Petitioner is seeking salary in accordance with the pay-scale of Graduate

Teachers. The federation of the primary teachers had filed Writ Petition No.24 of 2016 and 1116 of 2016 wherein the issue arose regarding the pay band of the trained Graduate Teachers. The Division Bench while disposing of the petition on 5 March 2018 directed the Zilla Parishad to take a decision after hearing the Petitioner. The State Government and Director of Primary Education were not party Respondents in the said Petition.

4. Thereafter since the decision was not taken, Contempt Petition was filed and Zilla Parishad thereafter forward two proposals dated 12 September 2019 and 31 December 2019 respectively to the Respondent No.1 State Government. It is observed that for the concerned year, 540 posts of trained Graduate Teachers was sanctioned, out of which 25% meaning thereby 178 were entitled to the trained Graduate Teachers' pay-scale. However, Zilla Parishad, Bhandara – Respondent No.3 has 196 posts including the other posts and therefore, permission is required from the State Government for extending such benefit.

5. The communication is also placed on record whereby the State Government has noted that the Zilla Parishad are extending these benefits without taking permission from the State Government which is placing burden on the treasury.

6. Though we are inclined to direct the Respondents to take a decision upon communications dated 12 September 2019

and 31 December 2019, we are not inclined to place any stringent time limit, as it is clear that the issue involves financial implications and this Court in order referred to earlier has not commented on the entitlement which also will have to be decided.

7. We dispose of the petition, directing the Respondent No.2 to forward the proposal and for the Respondent No.1 will take a decision within a reasonable period and the outcome thereafter be communicated to the Respondent No.3 – Zilla Parishad, who will in turn inform the Petitioner.

8. Writ Petition is accordingly disposed of .

[ ANIL S. KILOR, J. ]

[ NITIN JAMDAR, J. ]