

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.1913 OF 2022

SUBHADRABAI DEVIDAS JADHAV
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE SECRETARY AND
OTHERS

Mr.A.R.Tapse, Advocate for the petitioner.
Mr.P.S.Patil, AGP for the respondent/ State.
Mr.P.D.Suryawanshi, Advocate for respondent Nos. 3 and 4.

(CORAM : RAVINDRA V. GHUGE AND
ARUN R. PEDNEKER, JJ.)

DATE : JULY 26, 2022

PER COURT :

1. Mr.Tapse, the learned Advocate for the petitioner submits that the petitioner was appointed prior to 1972 and was 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. He was entitled to the pay scale of a trained teacher. However, the petitioner is not given the benefit of the scale of the trained teacher. The respondents be directed to give the said benefit.

2. The learned AGP appears for respondent No.1 and opposes the request.

3. The petitioner has retired long ago. He did not move the Court regarding his grievance about the pay scale of a trained teacher.

4. The petitioner certainly, in view of the Government Resolution dated 04.10.1983, would be a deemed trained teacher, if he is possessing S.S.C. qualification and is appointed prior to 1972. However, considering the fact that the petitioner has approached this Court with a long delay, we are not inclined to grant him the actual benefit for the past period.

5. This petition is, therefore, disposed off. The said pay scale of a trained teacher shall be notionally calculated in case of the petitioner. The petitioner's pensionary benefits shall be calculated considering the petitioner as a deemed trained teacher.

6. The respondents shall, after verifying that the petitioner is S.S.C. and appointed prior to 1972, treat the petitioner as a deemed trained

teacher and the pay scale shall be notionally calculated till the date of retirement. The respondents shall pay the retiral benefits. The pension amount of the petitioner shall be re-calculated as a deemed trained teacher and the said pensionary benefits be accorded to the petitioner. The same shall be done within a period of six months.

(ARUN R. PEDNEKER, J.)

(RAVINDRA V. GHUGE, J.)