

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

931 WRIT PETITION NO.4633 OF 2019

**USHA VENKATRAO DESHPANDE
ALIAS USHA PADMAKAR SHEWALKAR
VERSUS**

THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioner : Mr. Shivkumar K. Mathpati

AGP for Respondent / State : Mrs. R.P. Gour

Advocate for Respondent Nos.2 & 3 : Mr. S.B. Ghute

...

**CORAM : MANGESH S. PATIL &
SANDEEP V. MARNE, JJ.**

DATE : 02-08-2022

PER COURT :

1. We have heard Mr. S.K. Mathpati, learned Advocate for the petitioner, Mr. S.B. Ghute, learned advocate for respondent nos.2 and 3 and Mrs. R.P. Gour, learned AGP, finally, at the stage of admission. The case presents yet another instance as to how the Senior Officer of the District Administration can act arbitrarily, capriciously and whimsically.

2. The dispute has been only in respect of the pay scale to which the petitioner is entitled to. There is no dispute about the scale. The only dispute seems to be as to whether the petitioner, who has been appointed prior to 1972 is to be regarded as deemed trained

teacher in view of the Government Resolution dated 16.03.2016. Not only the petitioner, but several other similarly placed persons had approached this Court in a group of matters. By the order dated 30.01.2017, the Zilla Parishad was called upon to decide their applications / representations / proposals within a stipulated time. That having not taken place, some of them had to approach this Court including the petitioner, in contempt. A direction was issued in the contempt proceedings and thereafter the impugned order seems to have been passed by the then Chief Executive Officer of Zilla Parishad, Hingoli.

3. Simply by referring to various government resolutions, it has been ordered that since the petitioner was not a trained teacher she was not entitled to the scale she was demanding. The decision is in complete disregard to not only the Government Resolution dated 16.03.2016 which would demonstrate that the petitioner, who was recruited prior to the cut off date of 1972 to be a deemed trained teacher, when her date of appointment is also not under challenge, but also the decision of this Court in respect of similarly placed teachers, in Writ Petition No.1311 of 1997 (supra) with connected writ petitions by the judgment and order dated 13.02.2014. The Chief Executive Officer indeed bold enough to pass the impugned

order.

4. Having considered the rival submissions and the aforementioned aspects, we hold that the petitioner's case is fully covered by the decision dated 13.02.2014 (page no.54) and is entitled to a similar relief. We dispose of the writ petition in terms of that order.

5. Since the petitioner was appointed prior to July - 1972 holding S.S.C. qualification and was entitled to be declared as deemed trained teacher and to draw salary in the pay band of Rs.1200-2040 since 1986 and in the pay band of Rs.4500-7000 since 1996 onwards, necessary orders shall now be passed and monetary benefits be paid to her as early as possible and in any event within a period of three months.

(SANDEEP V. MARNE, J.)

(MANGESH S. PATIL, J.)