

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

27 WRIT PETITION NO.2854 OF 2021

KHURSHEDA BEGUM OSMANALI
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioner : Mr. Mathpati Shivkumar K.
AGP for the respondent – State : Mrs. M.A. Deshpande
Advocate for the respondents no. 4 and 5 : Mr. A.V. Hon
...

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

DATE : 22 AUGUST 2022

ORAL ORDER (SANDEEP V. MARNE, J.):

By way of present petition, the petitioner seeks grant of pay scale of Rs.1200-2040 with effect from 1-1-1986 and Rs.4500-7000 with effect from 01-04-1996.

2. It is undisputed that the petitioner was initially appointed on the post of Assistant Teacher on 04-09-1968. She was recruited with the qualification of matriculation. In catena of decisions of this Court, it has been held that the teachers who are appointed prior to 1972 and who possess matriculation qualification are deemed to be treated as trained teachers as per the Government resolution dated 04-10-1983. We find no difficulty in extending the same benefit to the petitioner.

3. Mr. Mathpati, learned counsel appearing for the petitioner fairly submits that the petitioner would be satisfied if the pay scales of Rs.1220-2040 and Rs. 4500-7000/- are notionally granted to the petitioner with effect from 01-01-1986 and 01-04-1996, respectively, till the date of retirement of the petitioner i.e. 31-05-2006. He submits that the petitioner would be satisfied if her pension is refixed consequent to the re-fixation of her pay after grant of the aforesaid pay-scales with effect from 01-01-1986 and 01-04-1996.

4. Consequently, we allow the present petition and direct that the petitioner be treated as deemed trained teacher as per Government resolution dated 04-10-1983 and she be granted all consequential benefits of the applicable pay scales from the applicable dates, however, it is made clear that the petitioner would be entitled to only notional pay fixation up to the date of her retirement and she be granted the arrears of pension accordingly.

[SANDEEP V. MARNE]
JUDGE

[MANGESH S. PATIL]
JUDGE

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