

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

WRIT PETITION NO.8289 OF 2022

**HARIBHAU BALAPPA KANSE DIED THROUGH LRS
SHALINI HARIBHAU KANSE
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE
SECRETARY AND OTHERS**

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Advocate for the Petitioner : Shri Kawale Laxman H.
AGP for the Respondents/State : Shri P.S.Patil
Advocate for Respondent 3 : Shri Bondar Uttam Bajirao

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**CORAM : RAVINDRA V. GHUGE
&
ARUN R. PEDNEKER, JJ.**

DATE :- 11th August, 2022

Per Court :-

1. Issue notice to the respondents. The learned AGP waives notice for respondent Nos. 1 and 2. Shri Bondar, the learned counsel waives service of notice for respondent No.3.
2. According to the learned counsel for the petitioner, the deceased employee was appointed prior to 1972 and was governed by the Government Resolution dated 04.10.1983. He was to be treated as a deemed trained teacher and the pay scale was to be awarded to him.
3. Shri Bondar, the learned counsel submits that the

petitioner has approached this Court belatedly. The petition may not be entertained on the ground of delay and laches.

4. We have considered the submissions. In catena of decisions, this Court has held that such employees, who are appointed prior to 1972 and possessed SSC qualification, are deemed trained teachers as per the Government Resolution dated 04.10.1983.

5. However, considering the fact that the petitioner has approached this Court after a long slumber, we are not inclined to grant him the actual benefit of the arrears of salary of a deemed trained teacher till the date of the retirement. However, the same shall be notionally calculated and the actual benefit be given to the petitioner for pension purposes and other retiral benefits.

6. The said exercise shall be done by the respondents expeditiously and preferably within a period of four months.

7. Writ Petition is, accordingly, disposed off. No costs.

kps

(ARUN R. PEDNEKER, J.)

(RAVINDRA V. GHUGE, J.)