

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.**

WRIT PETITION NO. 628 OF 2010.

Pramod s/o Vyankatrao Kamble
and another. ... Petitioners.

VERSUS

1.State of Maharashtra
and others. ... Respondents.

Mr.K.L. Chiwarkar, Advocate h/f. Mr.Anand Parchure, Advocate
for Petitioners.

Ms.K.S. Deshpande, A.G.P. for Respondent No.1.
Mr.A.R. Patil, Advocate for Respondent Nos. 4 and 5.

**CORAM : NITIN JAMDAR AND
ANIL L. PANSARE, JJ.**

DATE : 21 APRIL 2022.

P.C.

Heard learned Counsel for the parties.

2. Petitioners who are two in number, were employed as
Assistant Teachers by Respondent No.2 Zilla Parishad.

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Petitioners have filed this petition primarily in respect of their claim for seniority. In that context, Petitioners have challenged Government Resolution dated 11 August 1999 and also had sought a declaration that they are eligible for 25% higher pay scale.

3. By way of an amendment carried out pursuant to the orders of this Court dated 8 February 2010, the said prayer was deleted and the same was substituted by a prayer for direction to Respondent Zilla Parishad to grant placement in 25% quota of higher pay scale of graduate teachers.

4. Rule was issued in this petition on 11 March 2011, however, no interim relief was granted restraining finalization of the seniority list of the year 2009.

5. The petition is coming up after 11 years for hearing. The seniority list is of the year 2009 i.e. 13 years ago. The learned Counsel for Respondent Nos. 4 and 5 points out that since there was no stay, the benefits have been released to the eligible primary teachers as per the final seniority list and they have been promoted. None of the promotees are joined as party respondent. After 12 years, such amendment, even if sought, will be highly inequitable, when inspite of filing of the petition and seeking an interim order, the same was not granted. What remains now is the claim of Petitioners for notional seniority for the purpose of 25% quota in

higher pay for graduate teachers. Though reply affidavit is filed, we do not find any specific rejection in the context of these developments.

6. In light thereof, we are of the opinion that if the Petitioners have any cause left, it will be open for them to make a representation in that regard, which representation if made, the Respondent Zilla Parishad will consider as per law.

7. Writ Petition is dismissed. Rule discharged. No costs.

(ANIL L. PANSARE, J) (NITIN JAMDAR, J)