

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**NAGPUR BENCH : NAGPUR**

**WRIT PETITION (WP) NO. 3145/2021**

1. Nilesh S/o Bhaiyaji Jununkar,  
Aged 43 years, Occupation: Teachers,  
presently working at Zilla Parishad  
Higher Primary School, Kinhala,  
Tq. Kalamb, District, Yavatmal.
2. Shrikant S/o Shankarrao Kothekar,  
Aged about 43 years,  
Occupation: Teacher, presently  
working at Zilla Parishad Primary  
School, Parsodi, Tq. Kalamb,  
District : Yavatmal.
3. Sandeep S/o Shankarrao Ghordade,  
Aged 43 years, Occupation : Teacher  
Zilla Parishad Higher Primary School,  
Mendhale, Tq. Kalamb,  
District : Yavatmal.

..... PETITIONER(S)

**// VERSUS //**

1. Zilla Parishad Yavatmal,  
District : Yavatmal  
Through its Chief Executive Officer,
2. The Education Officer [Primary],  
Zilla Parishad, Yavatmal,  
District : Yavatmal,
3. The State of Maharashtra,  
Through the Secretary, Department of  
School Education and Sports,  
Mantralaya, Mumbai

.... RESPONDENT(S)

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 Shri K.S. Narwade, Advocate for the petitioners  
 None for respondent no. 1  
 Shri V.M. Kulsange, Advocate for respondent no. 2  
 Miss. Nivedita P. Mehta, AGP for respondent no. 3/State  
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**CORAM : A. S. CHANDURKAR AND  
PUSHPA V. GANEDIWALA, JJ.**

**DATED : 20/01/2022**

**ORAL JUDGMENT : (PER:- A. S. CHANDURKAR, J.)**

**Rule.** Rule made returnable forthwith. Heard the learned counsel for the parties.

2           The petitioners are engaged as Primary School Teachers with Zilla Parishad, Yavatmal and discharging their duties as such. On 13.10.2016, the State Government issued a Circular with a view to encourage teachers to obtain Graduate qualification which would entitle them for Graduate Pay Scale. It is the case of the petitioners that they alongwith various other similarly situated Primary School Teachers exercised their options for obtaining Graduate qualification. List of such Primary School Teachers was accordingly published on 06.05.2017 by Zilla Parishad which included the names of these three petitioners. It is further case of the petitioners that they have now obtained their respective Degrees by pursuing the requisite course with the Indira Gandhi National Open University (for short the “University”) after passing the final examination. The said University has issued the Statement of Marks as well as the Provisional Certificates communicating that the candidates named therein had successfully

completed the Degree Course.

3. The grievance of the petitioners is that despite submission of the Provisional Certificates, their names have not been included in the Seniority list which is prepared for grant of Graduate Pay Scale to such teachers.

4. After notice was issued in the writ petition, the Zilla Parishad has filed its reply in which it has been stated that unless actual Degrees obtained by the petitioners are produced, the petitioners would not be entitled to seek their placements in the Seniority list. It is further stated that in the Provisional Seniority List dated 09.08.2021 the names of those teachers who had passed the B.Sc. Examination were included.

5. On hearing the learned Counsel for the parties, it is found that the Circular dated 13.10.2016 holds Primary Teachers entitled to Graduate Pay Scale after obtaining the requisite Degree. The petitioners after passing the final examination leading to the Degree in Bachelor of Science have been issued Provisional Certificates by the University. The issuance of Degree by the University would require sometime and hence, there is no reason to deprive the petitioners of the right to be placed in the Seniority list. Since issuance of the Degree by the University is not within the control of the petitioners, the following order would meet the ends of justice:-

(i) Respondent nos. 1 and 2 shall accept the Provisional Certificates that have been issued to the petitioners indicating successful completion of the final examination and entitlement to Degree in Bachelor of Science to be granted by the University. Acting on these Provisional Certificates and if there is no other impediment, the petitioners names shall be included in the Seniority list dated 09.08.2021 to enable them to receive Graduate Pay Scale.

(ii) If, in future, the Zilla Parishad finds that the petitioners have not obtained the requisite Degree, they are free to take necessary action in that regard against such petitioners by following the due process of law.

6. With aforesaid directions, the writ petition is allowed and disposed of. No costs.

**JUDGE**

**JUDGE**

SANDIP  
MAHADEV  
GATE

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