

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

908 WRIT PETITION NO.7126 OF 2022

MANOJ ARJUNRAO MALI
VERSUS
THE CHIEF EXECUTIVE OFFICER AND ANOTHER
...

AND
908 WRIT PETITION NO.7182 OF 2022

UKHARDU RAGHUNATH CHAVAN
VERSUS
THE CHIEF EXECUTIVE OFFICER AND ANOTHER
...

AND
908 WRIT PETITION NO.7183 OF 2022

YUVRAJ ISHWAR PARDESHI
VERSUS
THE CHIEF EXECUTIVE OFFICER AND ANOTHER
....

AND
925 WRIT PETITION NO.4289 OF 2023

LAXMAN DHAKLU CHAVAN
VERSUS
THE CHIEF EXECUTIVE OFFICER AND ANOTHER
...

AND
926 WRIT PETITION NO.4290 OF 2023

USHA KRISHANAJI MALI
VERSUS
THE CHIEF EXECUTIVE OFFICER AND ANOTHER
...

AND
927 WRIT PETITION NO.4293 OF 2023

WALMIK PUNJU JADHAV
VERSUS
THE CHIEF EXECUTIVE OFFICER AND ANOTHER

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...

AND
928 WRIT PETITION NO.4304 OF 2023

BHAGWAN NATHU PAGARE
VERSUS
THE CHIEF EXECUTIVE OFFICER AND ANOTHER

...

AND
929 WRIT PETITION NO.4334 OF 2023

SUSHILA RAJARAM MAHAJAN
VERSUS
THE CHIEF EXECUTIVE OFFICER AND ANOTHER

...

AND
930 WRIT PETITION NO.4356 OF 2023

SANTOSH RAMCHANDRA JADHAV
VERSUS
THE CHIEF EXECUTIVE OFFICER AND ANOTHER

...

Advocate for Petitioner : Mr. D. S. Bagul
Advocate for Respondent Nos. 1 and 2 (WP. Nos. 7126 &
7183/2022) : Mr. Maheshkumar Sonwane
Advocate for Respondent Nos. 1 and 2 (WP. No. 7182/2022) :
Ms. Kshma Sharma
Advocate for Respondent Nos. 1 and 2 (WP. Nos. 4289, 4290, 4293,
4304, 4334, 4356/2023) : Mr. A.K. Bhosale

.....

**CORAM : RAVINDRA V. GHUGE AND
SANJAY A. DESHMUKH, JJ.
DATED : 21st APRIL, 2023.**

PER COURT :-

1. All the Petitioners in these Petitions are identically placed.
For clarity, we are reproducing the prayer clauses B and D (there is
no prayer clause C), as under:-

“B. By way of appropriate writ, order or direction in the like nature, the impugned order dated 21.2.2022 passed by the respondent no.1 may kindly be quashed and set aside and the respondent authorities be directed to pay higher pay scale of Trained Teachers to the petitioner by considering the relevant date of acquisition of B.Ed. qualification at the earliest.

D. Pending hearing and final disposal of this writ petition, the impugned order dated 21.2.2022 passed by the respondent No.2 may kindly be stayed and suspended and the respondent authorities be directed to pay higher pay scale of Trained Teachers to the petitioner by considering the relevant date of acquisition of B. Ed. qualification at the earliest.”

2. We have considered the submissions of the learned advocates for the respective sides and with their assistance, have gone through the Petition paper book.

3. There is no dispute that Government Resolution dated 14.11.1979 entitles such Assistant Teachers, who, while being in service, acquire the qualification of B.Ed. and thereby become qualified to be promoted as Trained Graduate Teachers. By virtue of this qualification, the candidates are entitled for the higher pay scale from the deemed dates.

4. All these Petitioners have placed before us a ready reference chart, indicating the details of their appointments, designations, initial

qualifications, years in which they have passed their B.Ed. examinations, whether higher pay scale is given or not, deemed dates, dates of promotion to be given by the Zilla Parishad and the correspondence entered into by these Petitioners with the Zilla Parishad. The said chart is reproduced hereunder:-

Sr. No.	Name of petitioner and wp number	Designation	Date of appointment	Initial qualification	B.Ed Pass out Year	Higher Pay Scale if given	Deemed Date	Date of promotion Given by Zp	Correspondence
1	Manoj Arjunrao Mali wp no-7126/2022	Asst. Teacher	12/08/1997	D.Ed	2002	No	24/02/2004	No	20/03/2004,16/07/2005,28/08/2007,24/11/2008,24/09/2019,24/08/2020
2	Yuvraj Ishwar Pardeshi wp no-7183/2022	Rt. Kendrapra-mukh	24/06/1986	D.Ed	1989	Yes	16/08/1995	24/02/2004	11/09/1995,09/07/1996,30/09/2019,30/11/2019,24/08/2020
3	Ukardhu Raghunath Chavan wp no-7182/2022	Rt. Head Master	27/06/1986	D.Ed	1998	Yes	27/07/2000	24/02/2004	11/08/1998,08/08/2000,04/02/2004,26/11/2003,11/03/2004,30/09/2020,25/01/2020,21/12/2020
4	Usha Krushnaji Mali wp no-4290/2023	Graduate Teacher	06/07/1992	D.Ed	1991	Yes	16/08/1995	16/08/2014	09/07/1996,30/09/2019,30/11/2019,24/08/2020
5	Laxman Dhaklu Chavan wp no-4289/2023	Head Master	27/06/1986	D.Ed	1990	Yes	27/07/2000	24/02/2004	11/09/1995,09/07/1996,30/09/2019,30/11/2019,24/08/2020
6	Valmik Punju Jadhav wp no-4293/2023	Rt. Kendrapra-mukh	26/06/1986	D.Ed	1990	Yes	16/08/1995	24/02/2004	11/09/1995,08/08/2000,30/09/2019,30/11/2019,24/08/2020
7	Sushila Rajaram Mahajan wp no-4334/2023	Rt. Graduate teacher	27/06/1986	D.Ed	1993	Yes	16/08/1995	24/02/2004	11/09/1995,09/07/1996,30/09/2019,30/11/2019,24/08/2020
8	Bhagwan Natthu Pagare wp no-4304/2023	Rt. Head Master	15/03/1984	D.Ed	1998	Yes	27/07/2000	24/02/2004	11/08/1998,08/08/2000,04/02/2004,26/11/2003,11/03/2004,30/09/2020,25/01/2020,21/12/2020
9	Santosh Ramchandra Jadhav wp no-4356/2023	Head Master	27/06/1986	D.Ed	1994	Yes	16/08/1995	24/02/2004	11/09/1995,09/07/1996,30/09/2019,30/11/2019,24/08/2020

5. The litigating parties before us do not dispute that the judgment delivered by this Court in **Vitthal Fakruji Madavi and**

others vs. Zilla Parishad, Chandrapur and others, 2006 (2)

Mh.L.J. 124, squarely applies to these cases.

6. The learned advocate for the Petitioners submit that out of these 9 Petitioners, only one Petitioner viz. Manoj Arjunrao Mali has not been given the deemed date of promotion by the Zilla Parishad. So also, he has not been given the higher pay scale. In the other 8 cases before us, though higher pay scale was given to these 8 Petitioners, it was not done from the deemed date when they become entitled to such higher pay scale.

7. In view of the above, these Petitions are disposed off with the following directions:-

- a) The Zilla Parishad shall verify each of the cases of these Petitioners in the light of the details set out in the ready reference chart, reproduced hereinabove, for certifying as to from which date, the higher pay scale to be given to these Petitioners. So also the issue with regard to deemed dates, the dates from which promotion has to be given etc. would also be verified. Let these exercise be completed within 60 days.
- b) Once the verification exercise is concluded, the Zilla Parishad would accordingly pay the arrears of higher pay

scales to these Petitioners. If deemed dates are wrongly set out, the appropriate deemed dates should be mentioned and from such dates, higher pay scale shall be extended to the Petitioners. Needless to state, the dates of promotion, to be given by the Zilla Parishad, would also be verified and rectified, if necessary. This exercise shall be completed within 45 days.

- c) In the event any of the Petitioners is found ineligible or if the Zilla Parishad does not agree with deemed dates and the dates of promotions to be given, set out in the chart, a reasoned order would be passed in each of such cases and such orders would be served on the concerned persons, within 15 days from the date of completion of the verification.
- d) Needless to state, the above exercise would be in the light of the judgment delivered in ***Vitthal Fakruji Madavi and others (supra)***.

(SANJAY A. DESHMUKH, J.)

(RAVINDRA V. GHUGE , J.)

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