



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

WRIT PETITION NO. 12160 OF 2024

RAFIKULLA KHAN HAFIZULLAKHAN
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE SECRETARY
AND OTHERS

...

Advocate for the Petitioner : Mr. Laxman H. Kawale
AGP for Respondents No.1 and 2 : Mr. S. K. Tambe
Advocate for Respondent No.3 : Ms. Yogita Thorat

...

**CORAM : S. G. MEHARE &
SHAILESH P. BRAHME, JJ.**

DATE : 12-11-2024

PER COURT :-

1. Heard the learned counsel for the petitioner.
2. Issue notice to the respondents.
3. The learned A.G.P. waives service of notice for respondents No.1 and 2. Ms. Thorat, the learned counsel waives service of notice for respondent No.3.
4. The petitioner claims the benefits of deemed trained teacher in view of the Government Resolution dated 04.10.1983 with all increments and other consequential benefits with interest.

5. The petitioner was appointed as a teacher on 17.07.1965. There is no dispute that the petitioner was appointed prior to 1972 and is governed by the Government Resolution dated 04.10.1983. He could be treated as a deemed trained teacher in view of the above Government resolution.

6 The learned A.G.P. for the State and the learned counsel for respondent No.3 submit that the petitioner has approached this Court belatedly. Hence, the petition may not be entertained.

7. This Court, in ***Yadav Chokhaji Patil vs. The State of Maharashtra and others, Writ Petition No.13474 of 2019, dated 6 November 2019*** did not entertain the petition on the ground of delay and laches. However, the benefit was granted to the petitioner vide Government Resolution dated 04.10.1983 notionally and the benefit was given to the petitioner only for pension purposes and other retiral benefits.

8. Learned counsel for respondent No.3 submits that it would be difficult for the Zilla Parishad or the concerned officer to calculate any benefit to which the petitioner is entitled. It is experienced in earlier matters that there were differences in calculations. Hence, the petitioner should be directed to produce the relevant documents for calculating the difference amount. She has rightly argued that such difference in calculations results in a multiplicity of litigations.

9. The learned counsel for the petitioner undertakes to file documents related to the calculations of retirement benefits. He also undertakes that he would not dispute the calculation and accept the calculation that Zilla Parishad would make on such documents.

10. In view of the above, the writ petition is partly allowed.

11. The benefits be granted to the petitioner as per the Government Resolution dated 04.10.1983. However, the same shall be notionally calculated and he would be entitled to receive the benefit for pension purposes only and other retirement benefits from today.

12. The petitioner would not claim any arrears. In other words, the future right of the petitioner has been protected since the date of the order passed by this Court.

13. No order as to costs.

[SHAILESH P. BRAHME]
JUDGE

[S. G. MEHARE]
JUDGE