



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

14 WRIT PETITION NO. 364 OF 2024

YADAV CHOKHAJI PATIL

VERSUS

THE STATE OF MAHARASHTRA THROUGH SECRETARY
AND OTHERS

...

Advocate for the Petitioner : Mr. Kawale Laxman H.

AGP for Respondents 1 and 2/State : Mr. S.B. Narwade

Advocate for Respondent 3 : Mr. Pulkundwar Santosh B.

...

CORAM : RAVINDRA V. GHUGE

&

Y. G. KHOBRAGADE, JJ.

DATE :- 22nd January, 2024

Per Court :-

1. After this matter was heard for sometime and the relevant Government Resolutions dated 02.09.1989 and 31.08.2009 were perused, it became clear that the Petitioner was not entitled for the ACPS benefits. He was an untrained teacher. Since he did not acquire the requisite qualifications to become a trained teacher, he was treated as a deemed trained teacher vide order dated 06.11.2019 passed in Writ Petition No.13474/2019, keeping in view that he was appointed prior to 1972 and had possessed SSC qualification, which qualified him to be treated as

a deemed trained teacher as per the Government Resolution dated 04.10.1983.

2. The Petitioner's submission is that clause 9(4) of the Government Resolution dated 02.09.1989 entitles him to the selection grade pay scale.

3. The learned Advocate representing Respondent No.3/ Zilla Parishad submits that according to the Zilla Parishad, the said benefits were extended to the Petitioner. However, if the Petitioner is having any grievance that the selection grade pay scale was not extended to him, he may make an application to the Education Officer (Primary), Zilla Parishad and the said application would be considered in the light of the Government Resolution dated 31.08.2009, within a period of sixty days.

4. The learned Advocate for the Petitioner submits that the Petitioner would make such an application.

5. The Petitioner further prays for payment of the senior grade teacher after completion of 12 years in service. Reliance is placed on the judgment of this Court in ***Maharashtra Rajya Padvidhar Prathamik Shikshak Sabha vs. The State of Maharashtra and others, 2004 (1) Mh.L.J. 802.***

6. The learned Advocate for the Zilla Parishad submits

that the Government Resolution that is now applicable to the Petitioner is 31.08.2009 and his application would be decided on all counts within 60 days.

7. We leave all issues open to the Zilla Parishad to be considered since the Petitioner would be making an application.

8. By recording the above statements, **this Writ Petition is disposed off.**

kps

(Y. G. KHOBRADE, J.)

(RAVINDRA V. GHUGE, J.)