

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION***

WRIT PETITION NO. 3245 OF 2021

1. Vijay s/o Tanaji Jagtap
Age : 54 years, Occ. Service
R/o. A/2, Samyak Apartment,
Near Ganpati Mandir, Nana Master Nagar,
Mudre Budruk, Karjat, Ambivali, Dist. Raigad
2. Murlidhar s/o. Pandit Gavit,
Age : 51 Years, Occ. Service
R/o. B-2/P101, Nakshatra Co-op.
Hsg. Society, Near Ganesh Mandir,
Nana Master Nagar, Mudre Khurd,
Karjat, Dist. Raigad
3. Dadabhai s/o. Namdev Mohite,
Age : 50 years, Occu : Services
R/o : A/6, Samyak Apartment, Nana
Master Nagar, Mudre, Karjat, Ambivali,
Dist. Raigad
4. Rajendra s/o. Tulshiram Adhav
Age : 45 years, Occ.: Service
R/o. : Own House, Kadav, Murbad Karjat
Road, Boudha Wada, Kadav Gaon,
Dist. Raigad
5. Sanjay Vitthal Ashtekar
Age : 53 years, Occ.: Service
R/o. Guruwarya H.S. Room No.2,
Nana Master Nagar, Mudre Budruk,
Taluka Karjat, Dist : Raigad

6. Shyam s/o. Jogendra Pawar
@ Shyam s/o Jogendra Katkari
Age : 48 years, Occu. : Service
R/o. Bhagirathi Niwas, Laxmi Nagar
Pezari, Post Koynad, Taluka Alibad,
Dist. Raigad
7. Puja Shyam Pawar
(Jyotsna Dipak Khude)
Age : 45 years, Occu. : Service
R/o. Gajanan Apartment, Block No. 002,
Near Good Sheffard Convent School,
Gundge Road, Karjat, Dist. Raigad
8. Dilip s/o. Pandurang Gosavi
Age : 45 years, Occ : Service
R/o.: Gosavi Aali, Karanjewadi,
Raigad, Dist. Raigad
9. Revaji S/o. Padvi Kuwar
Age : 52 years, Occu : Services
R/o. : At Nandarkhi, Post Umarpata,
Umarpata, Taluka Sakri, Dist. Dhule
10. Ravindra s/o. Sukalal Kharde
Age : 50 years, Occu : Services
R/o. : F-05, Girivan Society, Engineer
College Road, Sanjay Nagar, Dahivali,
Ambivali, Karjat, Dist. Raigad
11. Anita John Panna
(Abita Kailas Dalimbkar)
Age : 47 years, Occu : Service
R/o.: Near Kalavati Devi Mandir,
Shramsafalya – 002, Kotwal Nagar,
Karjat, Distr. Raigad

12. Vijaykumar s/o. Uttamrao Atak
Age : 48 years, Occu.: Service,
R/o. House No.718, Near Zilla
Parishad Kendra Shala,Bajarpeth,
Sakharwadi, Satara, Dist. Satara
13. Ajay Pralhad Dalimbkar
Age : 52 years, Occ : Service
R/o. 106, Near Deccan Gymkhana,
Swandeep Apartment, B-Wing,
Bear Railway Gate, Karjat, Dist. Raigad
14. Lallu Kisan Chauhan,
Age : 49 years, Occu : Service
R/o. F-6, Engieer College Road, Girivan
Sahakari Society, Dahivali, Karjat, Dist. Raigad
15. Premnath Raghunath Gosavi,
Age : 49 years, Occu : Service,
R/o. H.No.17, Near Laxmi Niwas,
Karjat, Dist. Raigad
16. Rakesh Suklal Kharde
Age : 48 years, Occu : Service
R/o. Near Maruti Mandir, Ambapur,
Nandurbar, Dist. Nandurbar
17. Sushila Mohan Dalavi
(Sushila Janu Thakare)
Age : 49 years, Occu : Service
R/o. Nakshatra Co-op. Hsg. Society,
Building No.2, A- Wing, Block No.4,
Near Ganpati Mandir, Mudre Khurd,
Karjat, Ambivali, Dist. Raigad

18. Mohan Chimna Dalavi
Age : 52 years, Occu : Service
R/o. : Nakshatra Co-op. Hsg. Society,
Building No.2, A-Wing, Block No.4,
Near Ganpati Mandir, Mudre Khurd,
Karjat, Ambivali, Dist. Raigad
19. Yashwant s/o. Kanhu Neerguda
Age : 49 Years, Occu : Service
R/o. Olman, Borgaon, Dist. Raigad
20. Gambhir s/o Daga Khairnar
Age : 50 years, Occ. Service
R/o. 202, Guruvarya Society, Near Siddhi
Vinayak Mandir, Nana Master Nagar,
Khurd, Karjat, Dist. Raigad
21. Anna s/o Shriram Agham
Age : 54 years, Occ. Service
R/o. Pitalwadi, Wakan, Taluka Poladpur
Dist. Raigad
22. Vishwanath s/o. Tulshiram Gaikwad
Age : 46 years, Occ. Service
R/o. 210, At Post Baudhawada – Kudav,
Taluka - Karjat, Dist. Raigad
23. Navnath s/o. Bukaji Gaikwad
Age : 54 years, Occ. Service
R/o. “B” Wing, Suvarna Building,
Sai Hospital Chowk, At Post Chouk,
Taluka - Khalapur, Dist. Raigad
24. Vishwas Shankar Savale
Age : 50 years, Occu : Service
R/o. Plot No. 102, Naveen Vasahat,

Shri Hari Park, At Post Mohopada,
Taluka Khalapur, Dist. Raigad

25. Rahul Kashinath Gaikwad
Age : 46 years, Occu : Service
R/o. H.No.162, Gundage Road,
Opp. Samaj Mandir, Panchsheel Nagar,
Taluka – Karjat, Dist. Raigad
26. Mahendra Nathu Jadhav
Age : 52 years, Occu : Service
R/o. Shri Hari Park, Room No. D/205,
Apata Dandphata Road, Post Mohopada,
Taluka Khalapur, Dist. Raigad
27. Suvarna Deepak Kamble
Age : 45 years, Occu : Service
R/o. H.No.186/B, Dushmijite,
Dist. Raigad
28. Sangita Vijay Jadhav
Age : 48 years, Occu : Service
R/o. Malhar Apartment, 1st floor,
B/Wing, Room No.11, Dahiwali,
Taluka Karjat, Dist. Raigad
29. Sharada Eknath Sable
Age : 51 years, Occu : Service
R/o. Jeevan Aadhar Co-op. Hsg. Society,
Room No.4, Gundge Road, Taluka Karjat
Dist. Raigad
30. Apinath Pandharinath Thail
Age : 51 years, Occu : Service
R/o. Gajanan Krupa Society,
A No.004, Gundge Road, Taluka Karjat

Dist. Raigad

31. Chandrakant s/o. Bhiva Bhagat
Age : 47 years, Occu : Service
R/o. 357, At Post Bhaktachi Wadi,
Pinglas, Taluka Karjat, Dist. Raigad
32. Sanjay Bhiku Gaikwad
Age : 49 years, Occu : Service
R/o. Block No. 103, Omkareshwar
Society, Jijabai Chowk,
Rajendra Guru Nagar, Neral,
Taluka Karjat, Dist. Raigad
33. Hiranman Soma Mane
Age : 49 years, Occu : Service
R/o.: Mehergaon, Dhule,
Taluka & Dist. Dhule
34. Traymbak Bandu Mane
Age : 50 years, Occu : Service
R/o. Shenwad, Sakri, Dist. Dhule
35. Vadya Bhamtya Gavit
Age : 48 years, Occu : Service
R/o. Kadav, Taluka & Dist. Raigad
36. Malkhan Sadu Chavan
Age : 53 years, Occu : Service
R/o. 203, Smruddhi Apartment,
Rajendraguru Nagar, Neral,
Dst. Raigad
37. AkarramTukaram Mote
(Akaram s/o. Tukaram Patil)
Age : 46 years, Occu : Service

R/o. Shri Balaji Krupa Apartment,
Room No. 201, Sanjay Nagar,
Dahiwali, Taluka Karjat, Dist.Raigad

38. Ranjit s/o. Dnyanoba Ahire
Age : 51 years, Occu : Service
R/o. Paal Tower Building, A Wing,
3rd Floor, R.No.302, Bhisegaon,
Tal. Karjat, Dist. Raigad
39. Arjun s/o. Waman Pagare
Age : 50 years, Occu : Service
R/o. Flat No.204, 2nd Floor,
Aai Ekveer, Near Neral Vidyamandir,
Tal. Karjat, Dist. Raigad.
40. Sambhaji Krishna Kengar
Age : 50 years, Occu : Service
R/o.: H.No. 2572, Behind Boudha Mandir,
Ghadge Nagar, Ambarnath, Dist. Thane.
41. Satish Gulabrao Kamble
Age : 49 years, Occu : Service
R/o.: Building 12/13, Boudha Nagar,
Pimpri Waghele, Pune, Tal. & Dis. Pune
42. Bapu Tanha Koli
Age : 54 years, Occu : Service
R/o. : Guruwarya Society, Room No.6,
Near Siddhi Vinayak Nagar, Nana Master
Nagar, Budre Khurd, Tq. Karjat, Dist. Raigad
43. Milind s/o. Keshav Madhale
Age : 48 years, Occu : Service
R/o.: Shir Gajanan Krupa H.S. Gundge Road,
Room No. 03, Tq. Karjat, Dist. Raigad

44. Dhanraj Bhimrao Ahire
Age 48 years, Occu : Service
R/o. : Nilambari Hsg. Soc., Gr. Floor,
Room No.005, Rajendra Guru Nagar,
Neral, Dist. Raigad
45. Yashwant Namdeo Waghare
Age 49 years, Occu : Service
R/o. At post Neral, Tq. Karjat, Dist. Raigad
46. Sanjay Bhagwan Saruk
Age 47 years, Occu : Service
R/o. 303, B Wing, Third Floor, Ratnaraj
Complex, Raigad, Dist. Raigad
47. Sanjay Genoo Sadawarte
Age : 47 years, Occu : Service
R/o. : Block No. 201, Navjyot Hsg. Soc.
Rajendra Guru Nagar, Neral, Dist. Raigad
48. Tejashwini Sanjay Sadawarte
Age : 47 years, Occu.: Service
R/o. Block No. 201, Navjyot Hsg. Soc., CHS.,
Rajendra Guru Nagar, Neral, Dist. Raigad
49. Balu Vikram Jadhav
Age : 56 years, Occu.: Service
R/o. : 005, Near Neral Vidya Mandir,
Mamdapur, Neral, Dist. Raigad
50. Ramdas Sampatrao Bopate
Age : 48 years, Occu.: Service
R/o. : Room No. 101, First Floor,
Krushnakunj Apartment, Mamdapur,
Karjat Badlapur Road, Neral, Dist. Raigad

51. Prakash Jyotiram Ahire
Age : 48 years, Occu : Service
R/o. 202, Gajanan Apartment, Gundge,
Tal. Karjat, Dist. Raigad
52. Sunanda Bhushan Kokane
(Sunanda Uttamrao Tayade)
Age : 51 years, Occu : Service
R/o. Room No. 003, Floor No.1, Nishank
Apartment, Chichapada Road, Near Anugrah
Towar, Katemanivali, Thane, Dist. Thane
53. Smita Vijay Khandagale
Age : 51 years, Occu : Service
R/o. 102/103, Bombay Pune Highway,
Ganesh Ghat, Veer Savarkar Nagar,
Neral, Dist. Raigad
54. Lalchand Eknath Koli
Age : 50 years, Occu : Service
R/o. Block No. 203, Second Floor, Ratnaraj
Apartment, Nana Master Nagar, Mudre,
Tq. Karjat, Dist. Raigad
55. Vikram Segaji Gavit
Age : 52 years, Occu : Service
R/o. Bandharpada, Navapur,
Nandurbar, Dist. Nandurbar
56. Mahadev Bhanudas Gaikwad
Age : 48 years, Occu : Service
R/o. : Indapur, Balewadi, Dist. Pune
57. Amol Ashok Nagaonkar
Age : 49 years, Occu : Service

R/o. H.No. 1386/B, Near Bapdeo Mandir,
Valanj, Paroda, Alibag, Dist. Raigad

58. Jitendra Jagannath Maku
Age : 51 years, Occu : Service
R/o. Near No.1 N.P. School, Shivaji Nagar,
Koliwada, Murud, Dist. Raigad
59. Madhukar Gajanan Maku
Age : 55 years, Occu : Service
R/o. Shivaji Nagar, Koliwada, Murud,
Dist. Raigad
60. Pralhad Yashwant Gonji
Age : 47 years, Occu : Service
R/o. Shivaji Nagar, Koliwada, Murud,
Dist. Raigad
61. Subhash Raghav Kamble
Age : 49 years, Occu : Service
R/o. 172, Khamb, Raigad, Dist. Raigad
62. Ganesh Gaurya Birwadkar
Age : 52 years, Occu : Service
R/o. Sarsoli Roha, Dist. Raigad
63. Darbarsing Jagannath Salunke
Age : 50 years, Occu : Service
R/o. Teachers Colony, 1st floor, B Wing,
Eknath Nagar, Tq. Mangaon, Dist. Raigad
64. Snehal Suryakant Tate
(Rekha Omkarrao Bagade)
Age : 53 years, Occu : Service
R/o. Sector 5, B-302, CHS, Varad Vinayak
Plot No.4, New Panvel West, Dist. Raigad

65. Jyoti Deepak Gaikwad
(Rajni Somnath Jadhav)
Age : 48 years, Occu : Service
R/o. Deepjyot, Room No.2, Second floor,
Plot No. 128, Sector No. 13, Near Ambika
Hotel, Khargar, Dist. Raigad
66. Dinesh Amarnath Nandgaonkar
Age : 45 years, Occu : Service
R/o. Eknath Nagar, Dist. Raigad
67. Ravindra Vasant Deshmukh
Age : 43 years, Occu : Service
R/o. Plot No. 10, Saikunj Building,
Adarsh Hsg. Society, 52, Bungalow,
Kinara Hsg. Society, Old Panvel, Dist. Raigad
68. Bhausahab Bhikaji Chilwant
Age : 52 years, Occu : Service
R/o. Near B.S.T. Bus Depot Sector -2,
Kalamboli, Panvel, Dist. Raigad
69. Shrimant Nivrutti Chilwant
Age : 52 years, Occu : Service
R/o. At Post Moho, Chikhale,
Tq. Panvel, Dist. Raigad
70. Kalyan Bhikaji Chilwant
Age : 47 years, Occu : Service
R/o. Room No. B-204, Konark Building,
Mumbai – Pune Highway, Panvel, Dist. Raigad
71. Sudhakar Krushna Sakhare
Age : 50 years, Occu : Service
R/o. Boudha Wadi, Vadshet, Vave,
Dist. Raigad

72. Smita Vikas Jadhav
Age : 50 years, Occu : Service
R/o. : Room No. 7, Plot No. 58,
Raghukul Building, NC.C.H. Society,
Near Purohit Hospital, Panvel, Dist. Raigad
73. Shekhar Randitrao Panpatil
Age : 48 years, Occu : Service
R/o. Near Maharashtra Saw Mill, B-4,
Parijat Heights CHS, Plot No. 271,
Uran Road, Panvel, Tq. Karjat, Dist. Raigad
74. Uday Shankar Gaikwad
Age : 48 years, Occu : Service
R/o. At Post Goregaon, Tq. Mangaon,
Dist. Raigad
75. Rajendra Mahadev Khaire
Age : 47 years, Occu : Service
R/o. Datt Nagar, Unegaon, Mangaon,
Dist. Raigad
76. Subhash Shahaji Petare
Age : 51 years, Occu : Service
R/o. Monali-A-1, Goregaon,
Chinchavaliwadi Road, Mukund Nagar,
At Chinchavali Wadi, Post Goregaon,
Tq. Mangaon, Dist. Raigad
77. Lata Jayasing Vare
Age : 52 years, Occu : Service
R/o. At Gurudeo Nagar, Post Lonere,
Tq. Mangaon, Dist. Raigad
78. Shobha Vishwanath Talimkar
@ Shobha Sidram Gahukamble

Age : 48 years, Occu : Service
R/o. C Wing, 204, At Post Dattnagar
Utekhhol, Ashram School Road, Shikshak
Colony, Mangaon, Raigad, Dist. Raigad

79. Chandrama Changu Waghmare
Age : 46 years, Occu : Service
R/o. H.No. 1614, Alibag No.1, Alibag,
Dist. Raigad
80. Sanjay Maruti Surve
Age : 47 years, Occu : Service
R/o. Shri Krishna Temple, Talashet,
Raigad, Dist. Raigad
81. Parag Laxman Jadhav
Age : 52 years, Occu : Service
R/o. : Teacher Colony, At Post Mangaon,
Dist. Raigad
82. Dipika Dilip Salvi
(Bebi Hari Gaikwad)
Age : 53 years, Occu : Service
R/o. Kundan Apartment, Block No.304,
Goregaon, Mangaon, Dist. Raigad
83. Mahendra Nivrutti Magare
Age : 53 years, Occu : Service
R/o. Mangaon, Teacher Colony,
Datt Nagar, Raigad, Dist. Raigad
84. Reshmi Ramdas Saigaonkar
Age : 54 years, Occu : Service
R/o. Uteghol, Vidya Nagar, Mangaon,
Dist. Raigad

85. Nilesh Anand Salavi
Age : 49 years, Occu : Service
R/o. Vikas Colony, At Post Adarsh
Samata Nagar, Tq. Mangaon, Dist. Raigad
86. Sonal Vanatulshiram Suryavanshi
Age : 47 years, Occu : Service
R/o. Main Road, Rahatwade,
At Post Khopoli, Tq. Khalapur, Dist. Raigad
87. Rameshwar Anna Deshmukh
Age : 51 years, Occu : Service
R/o. Sai Nagar East, Snehasmruti Uttekhul,
Mangaon, Dist. Raigad
88. Vinay Hiraji Jadhav
Age : 46 years, Occu : Service
R/o. Bhagirthi Niwas, Laxmi Nagar, Pegari,
Koynad, Tq. Alibag, Dist. Raigad
89. Ramesh Laxman Kamble
Age : 53 years, Occu : Service
R/o. Sairaj Apartment, Mukund Nagar,
Goregaon, Tq. Mangaon, Dist. Raigad
90. Rajesh Sahadev Salve
Age : 45 years, Occu : Service
R/o. Near Boudha Vihar Wadi, Mandale,
Dist. Raigad
91. Ashok Balu Kasare
Age : 56 years, Occu : Service
R/o. H.No.19/31, Subhankar Complex,
Block No. 205, Post Mahad, Dist. Raigad

92. Ashwini Ashok Kasare
(Yashodhara Abhiman Ahire)
Age : 53 years, Occu : Service
R/o. Shubhamkar Complex, R.No.205,
Second Floor, Juna Post Mahad, Dist. Raigad
93. Arun Balilram Gaikwad
Age : 56 years, Occu : Service
R/o. Subhamkar Complex, R.No. 206,
Mahad, Dist. Raigad
94. Sachin Narayan Kadam
Age : 46 years, Occu : Service
R/o. Opp. Kalriver, 8, Lonshi, Mangaon,
Dist Raigad
95. Dattatray Ganpati Shingare
Age : 53 years, Occu : Service
R/o. 715, Nave Nagar, Nizampur,
Dist. Raigad
96. Chandrakant Lahu Gaikwad
Age : 50 years, Occu : Service
R/o. Near Prachi Kirana Shop, Murti Sankul,
Kacheri Road, Mangaon, Dist. Raigad
97. Sulbha Bharat Tayade
(Sulbhatai Tukaram Godbole)
Age : 45 years, Occu : Service
R/o. Panchsheel Niwas, Khandal,
Dist. Raigad
98. Ashok Raghunath Salvi
Age: 49 years, Occu : Service
R/o. Shrivardhan Road, Post Office, Goregaon,
Lonere, Raigad, Dist. Raigad

99. Shishupal Mahadeo Shinde
Age : 54 years, Occu: Service
R/o. Chinchawale Wadi, Goregaon,
Tq. Mangaon, Dist. Raigad
100. Susbhash Anant Hate
Age : 49 years, Occu : Service
R/o. At Post Mangaon, 268, Mangaon,
Dist. Raigad
101. Prashant Prabhakar Jangam
Age : 44 years, Occu : Service
R/o. Nave Nagar. Chinchwali Wadi,
Dist. Raigad
102. Sanjeev Subhash Gaikwad
Age : 52 years, Occu.: Service
R/o. Shrivardhan Road, Boudhawadi,
At Post Goregaon, Lonere, Dist. Raigad
103. Sunanda Zipru Deshmukh
Age : 54 years, Occu : Service
R/o. Siddhivinayak Nagar, Gondhalpada,
Alibag, Dist. Raigad
104. Snehta Chandrakant Talkar
(Sujat Amarnath Nandgaonkar)
Age : 48 years, Occu : Service
R/o. Sogaon, Mapgaon, Dist. Raigad
105. Suhas Narayan Chandorkar
Age : 48 years, Occu : Service
R/o. Nitesh Apartment, Vidya Nagar,
Utkhol, Dist – Raigad

106. Sandhya Jeevan Bagade
@ Sandhya Jalandhar Lohakare
Age : 57 years, Occu : Service
R/o. Boudhawadi, Varshet, Wave,
Shrivardhan, Dist. Raigad
107. Manoj Dharma Sakhare
Age 52 years, Occu : Service
R/o. Mangaon, Dist. Raigad
108. Samiksha Sandeep Tambe
@ Sunita Dharma Sakhare
Age : 47 years, Occu : Service
R/o. Jasavli, Tq. Shrivardhan,
Dist. Raigad
109. Surekha Dnyandeo Khandare
(Surekha Mahadeo Tayade)
Age : 29 years, Occu : Service
R/o. Near Samata Mandir, Chindnare,
Alibag, Dist. Raigad
110. Devanand Dattatray Gogar
Age : 51 years, Occu : Service
R/o. Korlaai, Murud, Dist. Raigad
111. Rajendra Janardhan Jamkar
Age : 52 years, Occu : Service
R/o. Salav Naka, Murud, Vikram Baugh,
Dist. Raigad
112. Smita Vijay Jadhav
(Jyoti Pandurang Gaikwad)
Age : 47 years, Occu : Service
R/o. Suyog Apartment, Room No.5,
Vidya Nagar, Alibag, Dist. Raigad

113. Gajanan Ramnath Dandekar
Age : 51 years, Occu : Service
R/o. Kherwanda, Khanderao Pada,
Choul, Dist. Raigad
114. Balkrishna Bama Darne
Age : 51 years, Occu : Service
R/o. Kolad Choul, Dist. Raigad
115. Ravindra Laxman Palkar
Age : 51 years, Occu : Service
R/o. Chafewadi Road, Harijan Wada,
Mandala, Borli, Dist. Raigad
116. Bhimarao Yashwant Ingole
Age : 54 years, Occu : Service
R/o. Nishant Apartment, At Post Roha,
Dist. Raigad
117. Sanjay Tukaram Godbole
Age : 46 years, Occu : Service
R/o. Near Union Bank, At Post Sainagar,
Dist, Raigad
118. Kalpana Mahesh Gaikawad
(Kalpana Gopal Gaikawad)
Age : 56 years, Occu : Service
R/o. Parit Aali, Dist. Raigad
119. Santosh Dhudaku Patait
Age : 49 years, Occu : Service
R/o. Parit Aali, Taala, Dist. Raigad
120. Vasant Laxman Gaikwad
Age : 50 years, Occu : Service
R/o. Virzoli, Roha, Dist. Raigad

121. Sudhir Laxman Jadhav
Age : 52 years, Occu : Service
R/o. Parit Aali, Taala, Dist. Raigad
122. Vivekanand Tukaram Godbole
Age : 52 years, Occu : Service
R/o. Vanan Apartment, Kacheri Road,
At Post Mangaon, Dist. Raigad
123. Sayali Jitendra Watve
@ Dipali Ashok Gaikwad
Age : 46 years, Occu : Service
R/o. Priyadarshi Bungalow, Mangaon,
Dist. Raigad
124. Arvind Balkrishna More
Age : 48 years, Occu : Service
R/o. Kanya Shala Parisar, Mahsala,
Dist. Raigad
125. Gulabsing Dohanya Pawara
Age : 53 years, Occu. Service
R/o. Maluk Pitsaai Kond,
Tq. & Dist. Raigad
126. Dhruwasing Ugrawanya Pawara
Age : 51 years, Occu : Service
R/o. Vrundavan Building,
Kacheri Road, Vidyanagar,
Mangaon, Dist. Raigad
127. Pooja Kailas Palakar
(Geeta Hiranman Ngothanekar)
Age : 52 years, Occu : Service
R/o. Shri Sadguru Krupa Ghar,

1238, Shivaji Nagar, Chendhare,
Alibag, Dist. Raigad

128. Gautam Damu Wankhede

Age : 47 years, Occu : Service
R/o. Boudha Wadi, Chimbhave,
Dist. Raigad

129. Manjiri Manoj Goregaonkar

@ Sujata Dattaram Shriwardhankar

Age : 52 years, Occu : Service
R/o. Kapoli, Shrivardhan Borali,
Panchatan, Dist. Raigad

... Petitioners

V/s.

1. The State of Maharashtra
Through its Secretary,
Rural Development Department,
Mantralaya, Mumbai

2. The Director of Education (Primary),
Maharashtra State, Pune – 01

3. The Chief Executive Officer,
Zilla Parishad Raigad, Alibag
Dist. Raigad

4. The Education Officer (Primary)
Zilla Parishad Raigad, Alibag

... Respondents

Mr. Sandeep B. Sontakke for the Petitioners

Mr. C.G. Gavnekar with Mr. Rohit Parab for the Respondent Nos. 2
and 3

Mr. M.M. Pabale, AGP for the Respondent No.1 - State

***CORAM : NITIN JAMDAR &
M.M. SATHAYE, JJ.***

DATE: 6 MAY 2024

Judgement (Per Nitin Jamdar,J.) :-

The Petitioners, 129 in number, are primary teachers in the schools run by the Respondent – Zilla Parishad, Raigad. They have filed this Petition for a direction to the Zilla Parishad and the State of Maharashtra to grant the benefit of higher pay scales to the Petitioners considering 12 years of service from the initial date of appointment of the Petitioners and to grant consequential benefits.

2. The Petitioners were appointed as untrained teachers on various dates, the details of which are given in the Petition. Thereafter, the Petitioners acquired the qualification required for a trained teacher of obtaining a Diploma in Education (D.Ed.). The State of Maharashtra issued the Government Resolution on 4 April 1990 with respect to applying higher pay scales to the teachers working in the Zilla Parishad school. The Central Government appointed a commission under the chairmanship of Dr. D.P. Chattopadhyay, whose recommendation was that the pay scales be made applicable. The State Government referred to the earlier Government Resolution dated 18 November 1988 whereby the pay scales were sanctioned for the class 3 and 4 posts in the Zilla Parishad. The question of granting higher pay scales to the teachers

in the Zilla Parishad school was under consideration by the State Government. It was stated that after 12 years of qualifying service, the higher pay scales would be applicable. Certain modalities were laid down in the Government Resolution that there should be 12 years of qualifying service, the work should be satisfactory, and the prescribed training be undertaken within the stipulated period. The Petitioners were granted benefits of the higher pay scales as per the Government Resolution dated 4 April 1990 upon completing the 12 years. However, it is their grievance that the 12 years was calculated not from the date of their initial joining but the date on which they acquired the D.Ed. qualification.

3. There are several Petitioners. We take example of five Petitioners to illustrate the factual position.

(a) Petitioner No.1 – Vijay Tanaji Jagtap was appointed on 16 June 1995 as an untrained teacher. He acquired a D.Ed. qualification on 23 September 1999. If 12 12-year period is to be considered from the initial date of joining, the due date for the benefit of a higher pay scale for him would be 26 June 2007. A date calculated for the benefit after completion of 12 years from acquiring a D.Ed. qualification as a trained teacher is 9 October 2012.

(b) Petitioner No.2, Muralidhar Pandit Gavit, was appointed on 28 June 1995 as an untrained teacher. He acquired a D.Ed. qualification on 30 May 2002. If the 12-year period is to be

considered from the initial date of joining, the due date for the benefit of a higher pay scale for him would be 30 May 2007. A date calculated for the benefit after completing 12 years from acquiring a D.Ed. Qualification as a trained teacher is 30 May 2014.

(c) Petitioner No.3—Dadabhai Namdev Mohite was appointed on 25 January 1993 as an untrained teacher. He acquired a D.Ed. qualification on 29 January 1996. If the 12-year period is to be considered from the initial date of joining, the due date for the benefit of a higher pay scale for him would be 25 January 2005. A date calculated for the benefit after he completed 12 years from acquiring a D.Ed. Qualification as a trained teacher is 29 January 2008.

(d) Petitioner No.4 – Rajendra Tulshiram Adhav was appointed on 16 June 1995 as an untrained teacher. He acquired a D.Ed. qualification on 23 September 1999. If 12 12-year period is to be considered from the initial date of joining, the due date for the benefit of a higher pay scale for him would be 16 June 2007. A date calculated for the benefit after completion of 12 years from acquiring a D.Ed. Qualification as a trained teacher is 24 September 2011.

(e) Petitioner No.5, Sanjay Vitthal Ashtekar, was appointed on 16 June 1995 as an untrained teacher. He acquired a D.Ed. qualification on 23 January 1999. If 12 years from the initial

date of joining is considered, the due date for the benefit of a higher pay scale for him would be 16 June 2007. A date calculated for the benefit after he completed 12 years from acquiring a D.Ed. qualification as a trained teacher is 3 March 2009.

4. We have heard Mr. Sandeep Sontakke, learned Counsel for the Petitioner, Mr. Gavnekar, learned Counsel for Respondents Nos. 2 and 3, and Mr. Pabale, AGP for Respondent No.1 —State.

5. As a basic principle, there should be a demand before seeking a writ of mandamus. The Petitioners have directly filed this Petition without making any such demand. There are no particulars in this Petition as to which date the amounts were paid to the Petitioners for higher pay scales. The only annexures to this Petition are the Government Resolution dated 4 April 1990 and the decision of this Court. The chart of individual particulars does not indicate when the amount was received. The same would have a bearing since the demand is made in the year 2021. We deprecate the practice of filing such Petitions. However, the learned Counsel for the Respondent – Zilla Parishad, and the learned AGP pointed out that they have filed replies and even otherwise, the Petitioners' claim is entirely misplaced in law.

6. By Government Resolution dated 11 February 1991, the higher pay scales were applicable to the primary and secondary

teachers in Zilla Parishad schools. This Government Resolution stated that 12 years of service has to be a qualifying service. Similarly, Government Resolutions were issued on 20 July 2004, 15 November 2006 and 18 July 2008 for giving the benefit of selection grades to primary teachers after completing 24 years.

7. The learned Counsel for the Petitioners has heavily relied on the decision of this Court in Writ Petition No. 9051 of 2013 (*State of Maharashtra v/s. Meena Kuwalekar and Ors.*) dated 28 April 2016. Based on this Petition, it was contended that the date of the initial appointment must be considered when calculating the 12 years for a grant of a higher pay scale. The Counsel for the Respondents and the learned AGP pointed out that the decision was entirely inapplicable and considered a different fact situation.

8. The Division Bench in *Meena Kuwalekar*, considered a group of Petitions filed by the State of Maharashtra challenging the order passed by the Maharashtra Administrative Tribunal directing the State Government to consider the case of the Respondent – employees (Group ‘C’) for grant of benefits under the Time Bound Promotion Scheme (TBPS) and Assured Career Progression Scheme (ACPS) by taking into consideration their services from the date of their initial appointments. The issue was whether the period of 12 years or 24 years prescribed as a prerequisite for availing these benefits should be from the date of the initial appointment or the

date from which their services were regularised. The Division Bench confirmed the orders passed by the Administrative Tribunal, holding that the Petitioners therein were entitled to calculate the period of their service from the initial date of appointment. The nature of the appointment of the Respondents therein, which the Division Bench considered, was different. Though the Respondents – employees therein were appointed on a temporary basis, they were appointed on permanent, clear and sanctioned vacancies. It was not the situation where they did not initially have the qualifications to hold the post and subsequently acquired the qualifications. Therefore, the fact situation in this Petition where the Petitioners were initially appointed as untrained teachers and subsequently acquired the qualification as trained teachers was not under consideration of the Division Bench. Therefore, the decision in the case of *Meena Kuwalekar* does not address the issue raised in this Petition. No decision whereby the period of 12 years from the date of initial appointment as untrained teacher needs to be counted is shown to us.

9. The Petitioners have relied upon a communication issued by the State Government dated 7 August 2019. This is a communication issued by the Director of Education (Primary) to all the Education Officers (Primary) of Zilla Parishad that the State Government is contemplating counting the period teachers have spent as untrained teachers for higher pay scale and information be

supplied as prescribed. A similar circular was issued on 6 February 2020.

10. These Circulars, however, will not take the Petitioners' case further.

11. Firstly, the Circulars shows that according to the State Government, the Government Resolutions of 18 November 1988 and 4 April 1990 state that the qualifying service of 12 years for higher pay scales must be as a trained teacher. It was because the period as untrained is not to be counted that the State Government was contemplating this course of action and, therefore, had called for information. Secondly, the State Government has filed an affidavit in reply on 6 November 2022 through the Director of Primary Education taking a stand that the State Government has decided not to consider the period as untrained teachers.

12. The Director of Education in the reply has stated the Petitioners were initially appointed as untrained teachers, however, after their first appointment, they acquired the qualifications to become trained primary teachers. The Respondents sanctioned the pay scale for trained primary teachers after they acquired the qualification of D.Ed. A higher pay scale is granted after completing 12 years of service in the same pay scale. However, all these petitioners were initially appointed in the untrained primary teacher

pay scale. Since these Petitioners were initially appointed in the untrained primary teacher pay scale, later upgraded to the trained Primary Teachers pay scale after they acquired the essential qualifications, the State government has taken a decision that they are not entitled to higher pay from the initial date of appointment as there is a change in pay scale. In view of this clear stand of the State, the Circulars relied upon by the Petitioners calling for information thus has lost its relevance.

13. The next question is whether the petitioners, untrained teachers, fall in the same position as the trained teachers since a higher pay scale is granted after completing 12 years of service in the same pay scale. A higher pay scale is granted after completing 12 years of service in the same pay scale.

14. The Petitioners, the teaching staff of a primary school, are governed by the provisions of the Maharashtra Employees of Private Schools (Conditions of Service) Regulation Act, 1977 and Rules, 1981. Rule 2(k) defines “trained teacher” as under:-

“2(k) “trained teacher” means a teacher who has secured a professional certificate, a diploma or a degree recognized by the Department which qualifies him for a teaching post in a school.”

Rules 6 provides for the Qualification of teachers and non-teaching staff. Rule 6 states that the minimum qualifications for the posts of

teachers and non-teaching staff in primary schools, secondary schools, higher secondary schools, junior colleges and junior colleges of education shall be as specified in Schedule 'B'. The qualifications for Primary Teachers are provided in Schedule 'B' which reads as follows:-

Schedule 'B'

"I. Qualifications for Primary Teachers :

The minimum qualifications for Primary Teachers, i.e. from I to VIII standards, shall be as per the qualifications laid down by the National Council for Teacher Education (NCTE) under the Right of Children to Free and Compulsory Education Act, 2009 (35 of 2009), from time to time.

2. Appointment to the post of Special Teacher (Drawing Teacher in Primary Schools shall be made by nomination from amongst candidates who have passed the S.S.C. examination and possess an Art Teachers Diploma Drawing Teachers Certificate, or Drawing Masters Certificate.

3. Primary School teachers whose date of first appointment as such teachers in the service of a Zilla Parishad or Municipal School Board or Municipal Corporation or Municipal Council or recognized private primary school is 15 October 1966 or any prior date are exempted from acquiring S.S.C. and training qualification.

4. Primary School teachers recruited prior to the 30 June 1972 and who are possessing academic and training qualifications according to the rules in force at the time

of their appointment are exempted from the S.S.C. and D.Ed. qualifications. Those who were recruited after the 30 June 1972 and who do not possess the S.S.C. and training qualifications should acquire the same before June 1985. Failure to acquire these qualifications before June 1985 shall make them liable for termination of their services.

5. The Primary School teachers with S.S.C. plus S.T.C. or D.T. (one year) or Diploma in Education (one year) qualification who have been appointed in service on or before the 30 September 1970 in primary schools shall be regarded as trained and held eligible for the scale of pay for trained S.S.C. teachers.”

Rule 7 states that the scales of pay for full-time and part-time Heads, Assistant Heads, Supervisors, Teachers, and the non-teaching staff in primary schools, secondary schools, including night schools, Junior Colleges, and Junior Colleges of Education shall be as specified in Schedule ‘C’.

Schedule ‘C’

Trained Primary Teachers

S.S.C. and D.Ed. (two years)	4500-7000	5200-20200	2800
	5000-8000 (Senior Scale)	9300-34800	4200
	5500-9000 (Selection Scale for 20% posts)	9300-34800	4300
S.S.C. or equivalent and P.T.C.	4500-7000	5200-20200	2800
	5000-8000 (Senior Scale)	9300-34800	4200
	5500-8000 (Selection Scale for 20% posts)	9300-34800	4300

S.S.C. and Senior P.T.C. (2 years)	4500-7000	5200-20200	2800
	5000-8000 (Senior Scale)	9300-34800	4200
Hindi Teachers with S.S.C. and Trained	4500-7000	5200-20200	2800
	5000-8000 (Senior Scale)	9300-34800	4200
	5500-9000 (Selection Scale for 20% posts)	9300-34800	4300

Untrained Primary Teachers

S.S.C. Passed	3200-4900	5200-20200	2000
P.S.C. and P.T.C. (2 years)	3200-4900	5200-20200	2000
	4000-6000 (Senior Scale)	5200-20200	4200
	4500-6000 (Senior Scale for 20% posts)	5200-20200	2800
P.S.C. and One year Montessori Training Diploma of Ex. M.P. Govt.	3200-4900	5200-20200	2000
	4000-6000 (Senior Scale)	5200-20200	2400
	5500-9000 (Selection Scale for 20% posts)	5200-20200	2800
Deemed Trained Teachers as per Government orders	3200-4900	5200-20200	2000
Untrained Hindi Teachers	3200-4900	5200-20200	2000

The difference made between the trained and untrained primary teachers in aforesaid Rules is self-explanatory. There is a clear distinction between the pay structure between the trained and

untrained teachers.

15. It is therefore clear that the Government Resolution of 4 April 1990 stipulates conditions of sanction of higher pay scales of 12 years with trained qualification of a primary teacher. The Petitioners were not appointed as trained primary teachers but as untrained primary teachers. After they secured the qualifications and became trained primary teachers, the 12-year period was counted from the said date to extend the benefits of higher pay scales. There is no error or arbitrariness in this approach of the State Government and the Zilla Parishad. Under the governing Rules, there is a distinction between trained and untrained teachers. The case is not of a temporary employee who was otherwise qualified but worked on a temporary basis and subsequently made permanent.

16. In these circumstances, no case is made out for interference in writ jurisdiction. The Writ Petition is dismissed.

M.M. SATHAYE, J.

NITIN JAMDAR, J.

JYOTI
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