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

WRIT PETITION NO.16161 OF 2024

Madhukar Damodar BahulePetitioner

Vs.

The State of Maharashtra and Ors.Respondents

Mr. Rahul S. Kadam for the Petitioner.

Mr. Sugandh Deshmukh a/w Ms. Karishma Shinde a/w Mr. Irvin D'souza a/w Mr. Aniket Kanawade a/w Mr. Vaibhav Thorve for the Respondent.

Ms. Pooja Joshi Deshpande for Respondent Nos. 1 to 3.

**CORAM : RAVINDRA V. GHUGE &
ASHWIN D. BHOBE, JJ.**

DATE : 12th NOVEMBER, 2024

P.C. :-

1. By this Petition, the Petitioner prays that benefits as per the Government Resolution dated 2nd September, 1989, in relation to his appointment on 6th June, 1989, be made applicable and the pay scale of Rs.1,400-2,600/- should be made applicable to him.

2. We have considered the submissions of the learned Advocates for the appearing parties. There is no dispute that an

appropriate pay-scale is being paid to the Petitioner from the year 2000. Though the Petitioner acquired the qualification of a trained graduate teacher in 1995, since there were adequate trained graduate teachers already occupying the available positions, that the Petitioner was not eligible.

3. Insofar as the issue that the Petitioner's pay-scale should be calculated at the rate of Rs.400-2,600/- from 1989, keeping in view that he had acquired G. D. Art pay-scale from 1989, we find that the Petitioner raised this grievance before the management, only in 2001 after 12 years. The Education Officer granted him the approval in the pay-scale of Rs.4,400-9,000/- with effect from 1st July 1995 as an Arts Teacher.

4. The Petitioner then raised the said issue by holding out a threat of resorting to a fast unto death, by an application dated 25th October, 2021. Apparently, the Education Officer (Secondary), Ms Sunanda Wakhare buckled under pressure and issued a direction to the management to forward a proposal of the Petitioner for recalculating the pay-scale as demanded by the Petitioner with effect from 6th June 1989.

5. It is well settled that the cause of action cannot be revived by issuing threats to Statutory Authorities. A claim for calculating the pay-scale from 6th June, 1989 after 32 years, cannot be entertained in a Writ Petition filed on 10th June, 2023 which is after 34 years. It is on the ground of unexplained delay and laches, that we are not entertaining this petition.

6. As such, **this Writ Petition is dismissed.**

(ASHWIN D. BHOBE, J.)

(RAVINDRA V. GHUGE, J.)