

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

WRIT PETITION NO. 6423 OF 2024

Ramdas Parasram Gaikwad Deceased
Through Legal Heir Suman Ramdas Gaikwad ...Petitioner
Versus
The State of Maharashtra and Ors. ...Respondents

**WITH
WRIT PETITION NO. 6425 OF 2024**

Madanpuri Vitthalpuri Gosavi Through Legal Heir
Manjushree Mohan Giri ...Petitioner
Versus
The State of Maharashtra and Ors. ...Respondents

Mr. Vivek B. Rane i/b. Mr. Balaji Shinde for the Petitioners in both the Writ Petitions.

Mr. Vikas Mali, AGP for the Respondent Nos. 1 to 3 in WP/6423/2024

Mr. S. B. Kalel, AGP for the Respondent Nos. 1 to 3 in WP/6425/2024

Mr. A.R. Kapadnis for Respondent Nos.4 & 5 in both the Writ Petitions.

**CORAM : RAVINDRA V. GHUGE &
M. M. SATHAYE, JJ.**

DATE : 14th OCTOBER, 2024.

P.C.:-

1. WP/6425/2024 is not on board. At the request of all the litigating parties, taken on Board.

2. We have heard the learned Advocates for the respective sides.

In similar set of circumstances, this Court has delivered an extensive order

dated 04/05/2022, in **WP/10467/2021 (Asaram Yesuji Ghogare vs the State of Maharashtra & Ors)**, at the Aurangabad Bench. The learned Advocates for the respective sides submits that the conclusion drawn in the said order is clearly applicable to both these Petitions.

3. In our order dated 04/05/2022, in **Asaram Yesuji Ghogare (supra)**, we had observed in paragraph nos. 7 to 11 as under:

“7. The learned Advocate for the petitioner has placed before us a copy of the communication dated 9th February, 2022, issued by the Deputy Secretary, State of Maharashtra, School Education and Sports Department, addressed to the Director of Primary Education, Education Directorate, Maharashtra State, Pune, taking cognizance of several orders passed by this Court as well as the dismissal of the Special Leave Petition and the Review Petition filed on behalf of the State in similar matters. Consequentially by the said communication, which is marked as ‘X-1’ for identification, the Director of Primary Education was informed that such untrained teachers, who were employed prior to 01.07.1992, were to be considered as deemed trained teachers. Similarly, considering various orders passed by this Court which were approved by the Hon’ble Supreme Court, a decision has been taken by the State of Maharashtra, that similar employees, who were appointed after 01.07.1972 as untrained teachers and have superannuated after putting in lengthy service, should be treated as a special case and they should be granted pensionary benefits. No doubt, this communication is restricted only to those who have approached this Court by filing Writ Petitions.

8. It should be the endeavour of one and all, that unnecessary litigation should be avoided and if possible necessary directions be issued in such manner that unnecessary litigation could be prevented. The case in hands

is one such case wherein we find this litigation could have avoided considering the view taken by this Court, vide judgment dated 13.12.2017 in Smt.Gokula Vilas Patil (supra). It appears that the Education Department has done little to convey the said judgment to all its Departments so as to initiate appropriate steps, which would not only protect such petitioner from suffering rigors of tardy litigation, but would also curtail unnecessary litigation in court.

9. Considering the above, we find that the direction, as issued in Smt. Umabai w/o. Ramkrishna Deshmukh (supra), needs to be issued in this case as well. Consequentially, this petition is allowed in terms of prayer clause-B. We are quashing the proposed action against the Block Education Officer, Panchayat Samiti, Jintoor, vide the impugned communication dated 14.02.2018, since there is a judicial pronouncement of this Court, vide judgment dated 13.12.2017 in Gokula Vilas Patil (supra) and 04.07.2019 in Smt. Umabai w/o. Ramkrishna Deshmukh (supra). In the event of any disciplinary action having been taken against the then Block Education Officer, Shri V.D.Rankhamb, we would appreciate the recalling of the order of punishment issued to Mr.Rankhamb by the Zilla Parishad, Parbhani and initiate remedial steps in that regard.

10. Considering the above, we hold the petitioner entitled for pension and pensionary benefits and the respondents shall consider this case for grant of such benefits by treating the petitioner to be a deemed trained teacher, as expeditiously as possible and in any case, on or before 30th August, 2022. The arrears of pension would also be calculated and shall be paid prior to the said date.

11. We direct respondent no.1 to circulate this order as well as judgment dated 13.12.2017 delivered in Smt. Gokula Vilas Patil (supra), to all Zilla Parishads in the State of Maharashtra so as to locate similar cases and initiate remedial steps for granting them the benefits in view of such directions so as to prevent the employees from approaching the Court and in order to curb unnecessary litigation in this Court. A specific circular stating that this law shall apply to

similarly placed employees, shall be issued.”

4. In view of the above reproduced conclusions and directions, **both these Writ Petitions are disposed off** by applying said directions to both these cases. The Zilla Parishad would only verify the exact date of retirement and forward the proposals for pensionary benefits. This exercise shall be completed within a period of 90 days from today.

(M. M. SATHAYE, J.)

(RAVINDRA V. GHUGE, J.)