



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

WRIT PETITION NO. 2318 OF 2004

BALWANT NAGORAO JALANE,
Age : 26 years, Occu. Service,
R/o C/o Khusane Niwas,
Baba Nagr, Tq. & Dist. Nanded.

...PETITIONER

VERSUS

1. THE STATE OF MAHARASHTRA.
Education Department.
Through Secretary, Mantralaya,
Mumbai.
2. Chief Executive Officer,
Zilla Parishad, Beed.
3. Head Master,
Zilla Parishad Primary
School, Telagaon, Tq.Majalgaon,
Dist. Beed.

...RESPONDENTS

...
Ms.Maya R. Jamdhade, Advocate for the Petitioner.
Shri A.R. Kale, AGP for Respondent No.1/State.
None for Respondent Nos.2 and 3.

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**CORAM : ALOK ARADHE, CJ.
&
RAVINDRA V. GHUGE, J.**

DATE : 19th March, 2025

ORAL JUDGMENT (Per Chief Justice) :-

1. Rule was granted in this petition on 08.12.2004. By

consent of the parties, the matter is taken up for final hearing.

2. By this petition, the Petitioner seeks direction to Respondent Nos.2 and 3 to pay full pay scale salary to the Petitioner of the post of Assistant Teacher by taking into account previous services rendered by the Petitioner in Ahilyadevi Holkar Primary Ashram School, Hassapur, Taluka and District Nanded, run by private management.

3. The facts giving rise to the filing of this petition in nutshell are that the Petitioner was appointed as an Assistant Teacher on 01.10.1997, in Ahilyadevi Holkar Primary Ashram School and he worked there for a period of five years in the pay scale of Rs.1200 to 2040. The Petitioner resigned from the aforesaid post and made an application to the Zilla Parishad, Beed, seeking appointment as Shikshan Sevak. The Petitioner was appointed as Shikshan Sevak vide order dated 11.03.2003 in the Primary School run by the Zilla Parishad, Beed, in the pay scale of Rs.4000-500-7000. The Petitioner in the instant petition has claimed full scale salary of the post of Assistant Teacher on the ground that the Petitioner had served as Assistant Teacher in Ahilyadevi Holkar Primary Ashram School from 01.10.1997 to

24.03.2003.

4. The learned Advocate for the Petitioner submitted that past services rendered by the Petitioner on the post of Assistant Teacher in Ahilyadevi Holkar Primary Ashram School be taken into consideration and the Petitioner be granted full pay scale of the post of Assistant Teacher. However, it is not disputed by the learned Advocate for the Petitioner that the Petitioner has been paid salary in the pay scale of Rs.4000-500-7000.

5. On the other hand, the learned AGP for the Respondent/State has submitted that in the absence of any provision, the relief as sought by the Petitioner cannot be granted.

6. We have considered the rival submissions made by both the parties and perused the record.

7. The Petitioner has served in Ahilyadevi Holkar Primary Ashram School from 01.10.1997 till he tendered his resignation. Thereafter, the Petitioner was appointed as an Assistant Teacher/ Shikshan Sevak on 11.03.2003 in the Zilla Parishad school. The Petitioner has been paid salary of the post

of Assistant Teacher in the pay scale of Rs.4000-500-7000. No provision has been brought to our notice which permits counting the past services rendered by the Petitioner in Ahilyadevi Holkar Primary Ashram School run by a private institution, for the purpose of claiming full pay scale as an Assistant Teacher in the school run by the Zilla Parishad. The Petitioner has no legal right to claim full pay scale in a school run by the Zilla Parishad on the past services rendered by him in a private institution.

8. For the aforementioned reasons, we do not find any merit. The Writ Petition fails and it is dismissed. Rule is discharged.

(RAVINDRA V. GHUGE, J.)

(CHIEF JUSTICE)

(Kalyan Sangvikar, PS)