



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

WRIT PETITION NO. 3243 OF 2020

Narayanrao s/o Laxmanrao Solunke
Age : 77 yrs, occ : Pensioner
R/o At post Dhawada, Tq. Bhokardan,
District Jalna.
C/o Suryakant Onkarrao Annadate
R/o 'Suryakunj', New Chatrapatinagar,
Sillod, District Aurangabad

Petitioner

Versus

1. The State of Maharashtra
Through Principal Secretary,
Rural Development Department,
Mantralaya, Mumbai-32
2. The State of Maharashtra
Through its Principal Secretary,
School Education Department,
Mantralaya, Mumbai-32
3. The Chief Executive Officer,
Zilla Parishad, Aurangabad
4. The Education Officer (Primary),
Zilla Parishad, Aurangabad

Respondents

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Mr. V.G. Salgare, Advocate for the petitioner.
Mr. D.R. Korade, A.G.P. for respondent Nos.1 and 2.
Mr. C.D. Biradar, Advocate for respondent No.3.

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**CORAM : S.G. MEHARE &
SANDIPKUMAR C. MORE, JJ.**

DATED : 20 MARCH 2025

ORAL JUDGMENT :

1. Rule. Rule made returnable forthwith. Heard finally by the consent of the parties.

2. Petitioner claims that he was appointed prior to 1972 and was possessing SSC qualification. As per the Government Resolution dated 04.10.1983, the employees appointed prior to 1972 possessing SSC qualification, are deemed to be trained teachers. Therefore, they are entitled to the pay-scale of trained teachers. The petitioner though entitled for the scale of trained teacher, was not awarded the same. The petitioner deserves the pay-scale as was available at the relevant time. He should have been deemed to be trained teacher since the date as is applicable. He prayed to direct Zilla Parishad i.e. respondent Nos.3 and 4 to determine his pay-scale as is available to him in view of the Government Resolution dated 04.10.1983 as a trained teacher.

3. The learned A.G.P. appears for respondent Nos.1 and 2. The learned Counsel Mr. Biradar for respondent Nos.3 and 4 opposed the request. He would submit that there was no straight jacket formula to apply Government Resolution dated 04.10.1983. It is always subject to objective scrutiny. In any event direction is given, authority be given to respondent Nos. 3 and 4 to examine the fact.

4. Undoubtedly the petitioner was retired long back. However, he did not approach the Court to seek pay-scale of trained teacher within reasonable time. We have examined

record with the able assistance of the respective Counsel and find that the petitioner certainly would be deemed trained teacher in view of the Government Resolution dated 04.10.1983. There is no dispute about his qualification and rendering the services prior to 1972. The petitioner was retired in the year 2001 and after around 18 years he approached this Court. He has to adopt earlier view recorded by the Co-ordinate Bench of this Court about the period of entitlement in Writ Petition No.14421 of 2019 decided on 02.12.2019.

5. We are not inclined to grant him the actual benefit for the past period. However, the pay-scale of trained teacher shall be notionally calculated in the case of the petitioner. The petitioner's pensionary benefits shall be calculated considering the petitioner as deemed trained teacher. The contesting respondents should do objective scrutiny of the eligibility of petitioner and consider him as deemed trained teacher and pay-scale shall be notionally calculated till the date of his retirement. The contesting respondents shall pay retiral benefit to the petitioner and as is applicable to deemed trained teachers and pension should be calculated considering the petitioner as deemed trained teacher and pensionary benefits be accorded to him within four months from today.

6. The writ petition stands disposed of.
7. Rule is made absolute.
8. No order as to cost.

(SANDIPKUMAR C. MORE)
JUDGE

(S.G. MEHARE)
JUDGE