



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 9609 OF 2024

Meera Pundlikrao Nalge
VERSUS

The State Of Maharashtra Through Its Principal Secretary And Others

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- Mr. V. S. Panpatte, Advocate for the Petitioner
- Mrs. P. V. Diggikar, AGP for Respondent Nos. 1 and 2 - State
- Mr. V. C. Patil, Advocate h/f. Mr. U. B. Bondar, Advocate for Respondent No. 3

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CORAM : SMT. VIBHA KANKANWADI
AND
HITEN S. VENEGAVKAR, JJ.

DATED : OCTOBER 01, 2025

PER COURT : (Per HITEN S. VENEGAVKAR, J.)

1. The petitioner, who claims to be a trained teacher within the meaning of Section 2(k) of the Maharashtra Employees of Private Schools (Conditions of Services) Rules, 1981 (in short '**MEPS Rules**'), has preferred the present writ petition under Article 226 of the Constitution of India, seeking a declaration that she is entitled to be paid the salary and pay scale of a trained primary teacher from the date of her initial appointment, i.e. 01.07.1996, relying upon the judgment of the Hon'ble Supreme Court dated 20.02.2007, in Civil Appeal No. 863 of 2007 (Arising out of SLP (C) Nos. 15311 - 15331

of 2005) and also the Government Resolution dated 11.11.2011. The petitioner has also prayed for a declaration that she is entitled to continuity of service from her initial date of appointment along with all consequential service benefits including retiral benefits and for quashing of the orders dated 06.02.2024, 06.03.2024 and 19.06.2024 passed by respondent No. 3, who is the Education Officer (Primary), Zilla Parishad, Latur.

2. The factual matrix in brief is that the petitioner was appointed as an assistant teacher on 01.07.1996 in *Swargawasi General Arunkumar Vaidya Prathmik Vidya Mandir, Latur*. Her services came to be orally terminated on 16.08.2004, which termination was challenged before the School Tribunal, *Pune Region, Solapur* in Appeal No. 408 of 2004. The School Tribunal by judgment and order dated 30.07.2005 allowed the appeal and quashed the oral termination and directed reinstatement of the petitioner with all consequential benefits. The Tribunal also held that the petitioner shall be deemed to be in continuous service as a primary teacher from 01.07.1996 to 16.08.2004 and thereafter as an untrained primary teacher till she completes D.Ed. qualification. The Tribunal further observed that as per Government Resolution dated 02.06.2000, the petitioner should be considered for admission to the postal D.Ed. course and if she failed to obtain such qualification

within three years, her services would be liable to termination. It was specifically directed that she acquires the D.Ed qualification, she will be entitled only to the pay scale of an untrained teacher. It is not in dispute that the petitioner did not challenge the aforesaid findings or directions of the tribunal in any higher forum. The said order has, therefore, attained finality.

3. Subsequent to withdrawal of recognition of her parents school in August 2006, the petitioner was declared surplus and came to be absorbed in the school of respondent No. 4 by order dated 17.07.2010. She joined the said school on 02.08.2010 and continues to serve therein.

4. The grievance of the petitioner is that though she has been in service and possesses B.Ed qualification, she has not been granted the pay scale of trained primary teacher. She relies upon the judgment of the Hon'ble Supreme Court dated 20.02.2007 and Government Resolution dated 11.11.2011, to contend that the primary teachers possessing B.Ed. degrees are to be treated as trained teachers and are entitled to pay scale of trained primary teachers from the date of appointment. Respondent No. 3 – the Education Officer by orders dated 06.02.2024, 06.03.2024 and 19.06.2024 rejected the petitioner's claim for pay fixation as a trained teacher, holding that

the School Tribunal's order dated 30.07.2005 had already decided that the petitioner is entitled only to the salary of an untrained primary teacher until she acquires D.Ed. qualification and that finding has not been challenged.

5. Having heard the counsel for the petitioner and the learned Government Pleader for the respondent Nos. 1 and 2, and upon perusal of the record, this Court finds no merits in the present petition.

6. The School Tribunal by its detailed and reasoned judgment dated 30.07.2005, has clearly recorded a finding that the petitioner shall be entitled only to the salary of an untrained primary teacher till she completes D.Ed. qualification. The said finding was not challenged by the petitioner and has therefore achieved finality. Once such a judicial determination has become final, this Court in exercise of its writ jurisdiction under article 226 cannot reopen or unsettle the said finding. The reliance placed by the petitioner on the Government Resolution dated 11.11.2011 and on the judgment of the Hon'ble Supreme Court in Civil Appeal No. 863 of 2007 does not aid her case. The directions in those decisions and resolutions are of general applicability, whereas the petitioner's entitlement has already been adjudicated specifically by the competent tribunal. In the absence of any challenge to that decision, the same binds the petitioner.

7. It is a settled position that the writ jurisdiction cannot be invoked to circumvent or nullify findings that have attained finality by virtue of judicial pronouncement. The observation of the School Tribunal regarding the petitioner's status as an untrained teacher till acquisition of D.Ed. qualifications are clear, categorical and binding.

8. In view of the above, the Court is of the opinion that respondent No. 3 – the Education Officer (Primary) was justified in declining to grant the pay scale of a trained primary teacher to the petitioner and in directing payment as per the Tribunal's order. There is, therefore, no infirmity, illegality or perversity in the impugned orders dated 06.02.2024, 06.03.2024 and 19.06.2024 warranting interference under Article 226 of the Constitution of India.

ORDER

- (a) The Writ Petition stands dismissed.
- (b) The orders dated 06.02.2024, 06.03.2024 and 19.06.2024 passed by responder No. 3, who is the Education Officer (Primary), Zilla Parishad, Latur, are hereby confirmed.
- (c) No orders as to costs.

(HITEN S. VENEGAVKAR, J.)

(SMT. VIBHA KANKANWADI, J.)