



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.**

WRIT PETITION NO. 4846 OF 2024

(Manikrao Fulsing Kodape Vs. State of Maharashtra and anr)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. P.N. Shende, Advocate for petitioner.

Ms. M.P. Munshi, Advocate for respondent No. 1.

**CORAM : AVINASH G. GHAROTE &
ABHAY J. MANTRI, JJ.**

DATED : 27-03-2025

Though the petitioner relies upon the judgment in **Smt. Anjali Wd/o. Madhukar Kando and anr Vs. State of Maharashtra**, Writ Petition No.2035/22 dated 3.4.2023 (p34) to contend that even though the services of the petitioner were terminated on account of not acquiring the requisite qualification of D.Ed., he could be considered as an untrained teacher and the application for VRS given by him ought to have been accepted and pension be granted to him on account of the fact that he had completed the qualifying service, however, **Smt. Anjali Kando** (supra), according to Ms. Munshi, the learned Counsel for respondent No.1 solely relies upon the judgment of this Court in **Smt. Umabai Ramkrishna Deshmukh Vs. The State of Maharashtra and others**, Writ Petition No. 6143/2016 (p19) in which while considering the position that the petitioner therein were appointed after due selection process, which appointments were approved and for all purposes they were being treated as regular employees on substantive posts and had rendered their services till the age of superannuation, then account of the fact, that till their

superannuation, they were never treated as ineligible for the appointment and permitted to be retired, the plea that they were entitled for pensionary benefits was accepted. She further submits that the learned Division Bench in **Smt. Umabai Ramkrishna Deshmukh** (supra) was not called upon to consider the mandate of Sec. 17 of Right to Education Act as well as the GR dated 9.2.2016 (p49) by which the untrained teachers were granted opportunity to acquire qualification within a period of 3 yrs from the said GR and in case, they did not acquire such qualification, their service were to stand automatically terminated. It is in light of the requirement of Sec 17 of the RTE Act and the GR dated 9.2.2016, it is contended that the petitioner has invited termination as they could not secure the requisite qualification within the period of three years. She further submits, that even the appointment orders of the petitioner, indicate that they had undertaken to acquire the requisite qualification and therefore, they cannot now be permitted to turn back regarding the same. She however seeks a week time to place on record the appointment orders of the petitioners to demonstrate this position.

2. List the petition on 4.4.2025, for further consideration. Writ Petition No. 4849/24 which raises a similar issue be tagged alongwith this petition.

(ABHAY J. MANTRI, J.)

(AVINASH G. GHAROTE, J.)