IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 1479 OF 2016

Bhimrao Janardhan Nandavate ... Petitioner
VERSUS
The Administrative Officer and Others. ... Respondents

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Mr. I. M. Khairdi, Advocate for Petitioner.

Mrs. Vaishali Nimbalkar, AGP for Respondent-State.

Ms. Bhargavi Patil a/w Mr. Neev Patil i/by Mr. M. S. Topkar, Advocate for Respondent Nos. 5 and 6.

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CORAM : SHARMILA U. DESHMUKH &
ABHAY J. MANTRI, JJ.

DATE : NOVEMBER 25, 2026.

P. C. :

1. By the present Petition, the Petitioner impugns the order dated 6th October 2015 passed by the Respondent No. 3-Deputy Director of Education (Primary), Pune Region, Pune, by which the Petitioner has been denied the benefit of the trained teacher pay scale from 1st December 1996 to 23rd September 1997.

2. Briefly stated the facts of the case are that the Petitioner was appointed as an Assistant Teacher in the year 1985 in D.Ed category. In 1994, the Petitioner completed his B.Ed course, and on 1st August 1995, the Petitioner was given B.Ed pay scale from 1st August 1995. With

effect from 1st December 1996, the B.Ed pay scale was reduced, and instead of declaring the Petitioner as a surplus teacher in B.Ed pay scale, the Respondents reduced the pay scale from B.Ed to D.Ed pay scale. Despite thereof, on 24th September 1997, the Petitioner was once again given the benefit of B.Ed pay scale and was thereafter transferred in the year 1999 to Barshi Municipal Council.

3. The Petition came to be filed as by giving the D.Ed pay scale, the seniority of the Petitioner was in fact affected and impacted the consequential monetary and pensionary benefits.

4. Learned Counsel appearing for the Petitioner has taken this Court to the annual audit report of the Respondent No. 1 and would point out the audit objections that the pay fixation was of the Petitioner in D.Ed pay scale was illegal. He would further submit that it was recommended that the Petitioner's pay scale be fixed as per the B.Ed pay scale and necessary explanation was called for. He submits that despite thereof, the pay fixation was not done in accordance with the audit objections, and by the impugned order, the Deputy Director of Education, without noticing the audit remarks, have upheld the pay fixation of the Petitioner in the D.Ed pay scale.

5. Learned AGP on instructions submits that the matter be remanded to the Deputy Director of Education to be considered afresh in light of the audit remarks. She would further submit that necessary

hearing would be given to the Petitioner and the Respondent Nos. 1 and 2, and appropriate decision would be taken.

6. Upon perusal of the impugned order dated 6th October 2015, it is evident that the Deputy Director of Education has not taken into consideration the statutory provisions which prohibit the reduction in the pay scale as per Rule 11(1) of the Maharashtra Civil Services (General Conditions of Services) Rules, 1981. The audit remarks were apparently not brought to the notice of the Deputy Director of Education, and hence the impugned order came to be passed.

7. In light of the instructions received by learned AGP, the impugned order dated 6th October 2015 is hereby quashed and set aside. The Deputy Director of Education is directed to take a decision afresh as regards the fixation of the pay scale of the Petitioner for the period 1st December 1996 to 23rd September 1997 by taking into consideration the statutory provisions and the audit remarks after granting an opportunity of hearing to all the parties. The parties are directed to appear before the Deputy Director of Education on 1st December 2026 at 11:30 a.m. No separate notice of hearing will be given to the parties.

8. The Deputy Director of Education to hear the parties and decide the proposal afresh expeditiously and in any event within a period of six weeks from the date of the first hearing.

9. The Petition stands allowed in the above terms.

[ABHAY J. MANTRI, J.] **[SHARMILA U. DESHMUKH, J.]**

TALLE SHUBHAM ASHOKRAO
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Date: 2026.11.26 14:15:31 +0530