

(2023) 06 BOM CK 0072
In the Bombay High Court
Case No : Writ Petition No.998 Of 2022

Mangala Pandurang Rathod	Vs	APPELLANT
State Of Maharashtra And Others		RESPONDENT

Date of Decision : 21-06-2023

Acts Referred:

Citation : (2023) 06 BOM CK 0072

Hon'ble Judges : Rohit B. Deo, J;M. W. Chandwani, J

Bench : Division Bench

Advocate : J. R. Kidilay, Ketki S. Joshi, Vikas Kulsange

Judgement

Rohit B. Deo, J

1. Heard. Rule. Rule made returnable forthwith by consent of the learned counsels for the parties.
2. The petitioner is aggrieved by the refusal of the Zilla Parishad, Yavatmal to pay her the salary of untrained teacher for the period 17.10.2006 to 30.06.2008.
3. The petitioner was appointed as Shikshan Sewak vide order dated 16.10.2003. She completed the probation period of three years on 16.10.2003. The petitioner however, acquired the requisite training qualification on 01.07.2008.
4. From the date of completion of the probation till the acquisition of the training qualification, the petitioner is paid only the fixed honorarium paid to untrained Shikshan Sewak. The submission of the petitioner is that this Court has taken a view in several decisions that for the said period the salary of untrained teacher shall have to be paid.
5. While issuing notice vide order dated 23.02.2022 we directed respondent Zilla Parishad to examine whether the grievance of the petitioner is covered by the decision rendered by the Division Bench in Writ Petition 234/2018.
6. In response, the Zilla Parishad has filed affidavit dated 27.04.2022 paragraph

2 of which reads thus:

2. In this regard, it is submitted that the Zilla Parishad has examined the above decision and it is revealed that the said decision is applicable in the case of the present petitioners also, and accordingly a decision is being taken to implement the said directions contained in paragraph no. 8 of the decision in Writ Petition No.237/2014, in their case also. Necessary benefits will accordingly be made applicable to the petitioners in short span of time.

7. In view of the undertaking in paragraph 2 supra, we allow the petition in terms of prayer clause (i) which reads thus:

(i) direct respondent, especially respondent zilla parishad Yavatmal to make payments to petitioner the amount of salary for the period between their completion of three years of service as shikshan sewak and the date on which they were granted salary as a trained teacher, as has been granted in case of Writ Petition No. 237/2014 and other connected matters (Annexure-D).

8. We direct the Zilla Parishad, Yavatmal to implement this judgment within the next six weeks.