



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

WRIT PETITION No.1166 OF 2021

(Raju Prabhakar Ambilkar and others Vs. The State of Maharashtra, through its Secretary,
School Education and Sports Department, Mantralaya, Mumbai and others)

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

Court's or Judge's orders.

Mr. B.G. Kulkarni, Advocate for petitioners.
Ms. S.N. Thakur, AGP for respondent Nos.1 and 2.
Mr. V.P. Maldhure, Advocate for Respondent Nos.3 and 4.
Mr. Chechenath Pawar h/f. Mr. P.S. Kshirsagar, Advocate for respondent
No.5 to 59.

CORAM : **PRAVIN S. PATIL, J.**

DATE : **12th JUNE, 2026.**

1. The petitioners herein are the Primary School Teachers of the Zilla Parishad. According to the petitioners, they are possessing the graduation degree at the time of their appointment. In support of his submission they have enclosed the relevant chart as a part and parcel of the petition (at Page 62 to 66 of the petition). It is the submission of the present petitioners that they are entitled for graduate pay scale in terms of Government Resolution dated 13th October, 2016. However, the respondent Zilla Parishad did not grant benefit of this Government Resolution to the petitioner.

2. The petitioners, therefore, approached before the Divisional Commissioner to redress their grievance. However, the learned Divisional Commissioner by the impugned order dated 4.11.2020 by holding that the petitioners are not possessing graduation degree in respective subject on which they are appointed, held that they are not entitled for a

graduate pay scale as per the Government Resolution dated 13th October, 2016.

3. The petitioners have pointed out the issue involved in the present petition has been elaborately considered by the Division Bench of this Court in Writ Petition No.5563/2022. This Court after recording the cogent reasons has declared that clause (3) of the Government Resolution dated 13.10.2016 is discriminatory and violative of Article 14 of the Constitutions of India. It will be relevant to reproduce para 17 of the Judgment in Writ Petition No.5563/2022 as under :

“17. We have gone through the circular impugned, as also other circulars referred to us by supra. As has been rightly submitted by the learned Counsel for the petitioners that the parent statute i.e. the RTE does not contemplate any such discrimination or muchless a ratio of 1:3 which has been sought to be created by the Clause 3 of the Government Resolution. As can be seen from the record and which is undisputed by the parties, that the nature of work/duty which is being performed by the said persons who have been granted graduate pay scale and the present persons like petitioners who have been deprived of the benefit thereof is one and the same. There is no rationale for exclusion of other teachers like petitioners who are performing the same nature of duties.”

4. It is further held that the petitioners therein who have acquired the requisite qualification during their service would be entitled to subject Teacher pay scale from the date of acquiring such qualification.

5. The petitioners in addition to above also pointed out from clause (5) of the Government Resolution dated

13.10.2016 that degree means graduation in any subject along with D.Ed & B.Ed. So also, if during the course of employment, employee obtained the graduation degree then he be treated as a Trained Graduate Teacher.

6. In view of above, the submission of the petitioners is that the issue raised in this petition is now entirely covered and decided by this Court and the same ratio is required to be made applicable in the matter.

7. Learned counsel for the respondents do not dispute the fact that the Division Bench of this Court has passed the abovesaid order and clarified the legal position. Hence, considering the judgment of the Division Bench which is required to be followed in the matter the necessary orders can be passed in the petition.

8. In the circumstances, the petition is allowed.

9. The respondent No.3 Chief Executive Officer, Zilla Parishad, Nagpur and respondent No.4 Education Officer (Primary), Zilla Parishad, Nagpur are directed to issue revised office order granting promotion as a Trained Graduate Teacher to the petitioners in a Science Subject Teachers in terms of order passed by the Hon'ble Division Bench of this Court in Writ Petition No.5563/2022, dated 8.5.2026.

10. Consequently, the impugned order passed by the Divisional Commissioner, Nagpur dated 04.11.2020 is hereby quashed and set aside.

11. The petition accordingly stands disposed of.

(PRAVIN S. PATIL, J.)

Wadode