

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.
APPELLATE SIDE JURISDICTION

WRIT PETITION NO. 2967 OF 2014

BALASAHEB RAMBHAU YADAV
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioner : Mr. A.R.Devakate.

AGP for Respondents : Mr.G.K.Thigale.

Advocate for Respondent Nos.4 and 5 : Mr. Dhage Vivek J.

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CORAM : **S. V. GANGAPURWALA and
V. L. ACHLIYA, JJ.**

DATE : 10th February, 2015.

P.C.:

. Heard Mr.Devakate, learned counsel for the Petitioner, Mr.Dhage, learned counsel for Respondent – Management so also the learned AGP.

2 The order dated 13th March, 2013, passed by the Deputy Director of Education is assailed in the present writ petition.

3 Mr.Devakate, learned counsel submits that the Petitioner was entitled for higher pay scale in view of completion of twelve years of service on 8th September, 2009. The Petitioner, at the relevant time, was an Assistant In-charge Headmaster, and as such, had forwarded the bills in consultation with the School Committee. However, Respondent No.5 raised objection and pursuant to which the impugned order came to be passed. There is infighting going on amongst the members of the Management.

4 Mr.Dhage, learned counsel submits that the Petitioner, at the relevant time, being Assistant Head, could not have signed his own bills.

According to the learned counsel, it is the Secretary who was the authority. The Committee has to consider all the relevant aspects of the matter before recommending grant of higher pay scale.

5 We have considered the submissions canvassed by the learned counsel for respective parties. The impugned order does not, in any manner, either reject or approve the grant of higher pay scale. The impugned order only provides that the proper procedure ought to have been followed.

6 Today, the Petitioner is an Assistant Teacher. In case of Assistant Teacher, the application will have to be made to the Headmaster, who in consultation with the Committee constituted under the relevant government resolution, will take decision upon grant of higher pay scale or otherwise.

7 In light of that, we pass the following order:

- I. The Petitioner shall make an application/representation to the Headmaster, who shall consider the said application/representation and in consultation with the Committee constituted under the relevant government resolution, shall take a decision about grant of higher pay scale on completion of twelve years of service, expeditiously, preferably within two months from the date of receipt of the application/ representation.
- II. In pursuant to the impugned order, no further recovery shall be made from the Petitioner, if he was earlier given the benefit of higher pay scale.

- III. Relevant consideration would be till the Petitioner completes twelve years service i.e. 8th September, 2009.
- IV. Accordingly, the writ petition is disposed of. No costs.

[V. L. ACHLIYA, J.]

[S. V. GANGAPURWALA, J.]

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