

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 6083 OF 2015

Shivaji Govindrao Barge
Age 42 years, Occ. Service
R/o. Shirali, Tq. Wasmal,
District Hingoli

...Petitioner

Versus

1. The State of Maharashtra
(Through its Secretary,
Tribal Development Department,
Mantralaya, Mumbai 32.)
2. The Commissioner,
Tribal Development, Nashik.
3. The Additional Commissioner,
Tribal Development, Amravati.
4. The Project Officer,
Integrated Tribal Development
Project, Kinwat, Dist. Nanded.
5. The Project Officer,
Integrated Tribal Development
Project, Kalamnuri,
Dist. Hingoli

... Respondents

.....
Shri Vijay A. Dhakne, Advocate for the Petitioner.
Mrs. S.A. Dhumal A.G.P. for Respondents
.....

**CORAM : S. V. GANGAPURWALA AND
V. K. JADHAV, JJ.**

DATED : 22nd JUNE, 2015

ORAL JUDGMENT (PER S.V. GANGAPURWALA, J.) :-

1. Rule. Rule made returnable forthwith. With the consent of the parties, petition is taken up for final hearing.

2. Mr. Dhakane, learned counsel for the petitioner submits that petitioner is appointed as Hostel Superintendent on 10.7.2007. He possessed B.A. B.Ed. qualification. According to the learned counsel the petitioner is paid pay scale as untrained hostel superintendent from the date of appointment till the year 2008. The Division Bench of this Court in reported judgment in the matter of **Sahebrao Karbhari Gunjal and others Vs. State of Maharashtra and others** (Writ Petition No. 1491 of 2001, decided on 4.11.2009) has held that clauses (2) and (3) of the corrigendum dated 3.4.2007 to the Government Resolution dated 18.9.2000 are unreasonable and unconstitutional to the extent of disparity between Hostel Superintendents employed in Ashram Schools recognized by the Tribal Development Department and Social Justice Department.

3. Learned counsel for the petitioner relies on the judgment of the Division Bench of this Court in Writ Petition No. 2352 of 2010 and connected writ petitions disposed of vide order dated 04.05.2010, so also order dated 15.10.2013 in Writ Petition No. 8737 of 2011 and in Writ Petition No. 1491 of 2001 dated 04.11.2009.

4. We have heard the learned AGP also. Learned AGP accepts the position that even Hostel Superintendent under Tribal Development Department have been granted pay scale as Trained Hostel Superintendent from the date of appointment.

5. In the present case, petitioner possesses B.A. B. Ed. qualification.
6. In light of the above, and the various orders passed in the writ petitions referred above, we pass following order.

ORDER

Respondents are directed to consider the claim of the petitioner in the light of the law laid down by the Division Bench of this Court in the Judgment dated 4th November 2009, in the case of Sahebrao Karbhari Gunjal and others Vs. The State of Maharashtra and others (Writ Petition No.1491 of 2001) and decide the same as expeditiously as possible and, in any case, within a period of four (04) months from today. It is further made clear that if the petitioner is found to be entitled to receive monetary benefits, the payment shall be made within a period of three months from the date of such decision.

7. Writ petition accordingly disposed of. Rule is made absolute.

(V. K. JADHAV, J.)

(S. V. GANGAPURWALA, J.)

rlj/