

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 8121 OF 2014

ANANDA RAMJI MASKE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioner : Mr. Vijay A. Dhakne
AGP for Respondent Nos. 1 to 4 : Mrs. S. A. Dhumal
Advocate for Respondent 5 : Mr. G. G. Kadam.

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

DATED : 12th AUGUST, 2015

P.C. :-

1. Vide the present writ petition, the petitioner claims the benefits of higher pay scale on completion of twelve (12) years of service. According to Mr. Dhakne, the learned counsel for the petitioner, the appointment of the petitioner is also approved. The termination at the behest of the management has been set aside by respondent No. 3. The petitioner has completed 12 years of service, as such, is entitled for the benefits of higher pay scale.
2. Mr. Kadam, the learned counsel appearing for the institution states that the petitioner was never appointed as Assistant Teacher and is not entitled for any benefit.

3. We have also heard the learned AGP who reiterates the affidavit-in-reply.

4. There are disputed questions of fact involved in the matter. It would be appropriate to direct the parties to approach respondent No. 3. The petitioner may make representation with respondent No. 3 for grant of benefits of higher pay scale. The respondent No. 3, on receiving the representation, shall, after hearing the institution and the petitioner, pass orders with regard to the entitlement of the petitioner for higher pay scale or otherwise. The parties are at liberty to produce documents, on which they place their reliance, before respondent No. 3. The respondent No. 3, on receipt of said representation, shall decide the same in accordance with law on its own merits, expeditiously and preferably within a period of four (4) months from the date of receipt of representation.

5. The writ petition is disposed of with aforesaid observations and directions. No costs.

(V. K. JADHAV, J.)

(S. V. GANGAPURWALA, J.)

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