FARAD CONTINUATION SHEET NO.

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

WRIT PETITION NO. 5787 OF 2015
Ashok Marotrao Thorat
-vs-
State of Maharashtra, thr.its Secretary, Education & Employment Deptt.and others

WITH

WRIT PETITION NO. 6370 OF 2015
Raghunath Bhimrao Ugle
-vs-
State of Maharashtra, thr.its Secretary, Education & Employment Deptt.and others

WITH

WRIT PETITION NO. 6371 OF 2015
Kishor Ramesh Kharche
-vs-
State of Maharashtra, thr.its Secretary, Education & Employment Deptt.and others

WITH

WRIT PETITION NO. 6372 OF 2015
Sharad Gopalrao Joshi
-vs-
State of Maharashtra, thr.its Secretary, Education & Employment Deptt.and others

---

Office notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's Orders.

Mr. A. R. Deshpande, counsel for the petitioners.
Mr. M. K. Pathan, AGP for the respondent Nos.1 to 4 in W.P. No.5787 & 6370 of 2015.
Mr. N. H. Joshi, AGP for the respondent Nos.1 to 4 in W. P. No.6371 of 2015.
Mr. S. J. Kadu, AGP for the respondent Nos.1 to 4 in W. P. No.6371 of 2015.

CORAM : SMT. VASANTI A. NAIK &
PRASANNA. B. VARALE, JJ.

DATE : 27.11.2015.

Heard.

By these petitions, the petitioners seek the pay scale of Rs.1400-2600 as per the 4th pay commission recommendations and the consequential benefits of the 5th and 6th pay commission recommendations in pursuance of the order, dated 28/04/2011 in a bunch of writ petitions bearing *Writ Petition No.177 of 2011 (Sachin Shankar Divkar v. State of Maharashtra & Ors.) and others*.

The learned Assistant Government Pleaders appearing on behalf of the respondent Nos.1 to 4, state that the petitioners have wrongly claimed the pay scale of Rs.1400-2600 though by the judgment, dated 28/04/2011 in a bunch of writ petitions bearing *Writ Petition No.177 of 2011 and others*, this Court has held that the petitioners therein would be entitled to the revised pay scale of Rs.1400-2300 as per the recommendations of the 4th pay commission. It is stated that the petitioners have unnecessarily claimed the pay scale of Rs.1400-2600, though the pay scale of Rs.1400-2300 may be payable. It is stated that some of the petitioners did not possess the requisite qualifications till the 5th pay commission recommendations were brought into effect and their pay scale would be fixed from the date of acquisition of the necessary qualifications. It is, however, not disputed that the case of the petitioners stands covered by the judgment, dated 28/04/2011 in the bunch of writ petitions bearing *Writ Petition No.177 of 2011 and others*.

In view of the statements recorded herein above, we allow the writ petitions in terms of the judgment, dated 28/04/2011 in a bunch of writ petitions bearing *Writ petition No.177 of 2011 and others*. We declare that only the petitioners (possessing the requisite qualifications) would be entitled to be placed in the pay scale of Rs.1400-2300 as per the recommendations of the 4th pay commission. The respondents are directed to consider whether the pay scale of Rs.1400-2600 could be granted to the petitioners in view of the recommendations of the 4th pay commission and pay the same to the petitioners, if the petitioners are entitled to the same. The respondents should revise the pay scale of the petitioners within a period of ten weeks. No costs.

JUDGE **JUDGE**

KHUNTE