

**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO.11129 OF 2015

1. Dr.Sudhakar Murlidhar Lawande
Age - 53 years, Occu.: Service,
R/o: 16, Sai, Pawarwadi,
Chalisgaon, Dist. Jalgaon.
2. Dr.Ajit Tukaram Kalse.
Age - 52 years, Occu.: Service,
R/o. 105, Chaitanya, Adarsh Nagar,
Hirapur Road, Chalisgaon,
Dist. Jalgaon.
3. Dr. Bhalchandra Baburao Wayakar,
Age: 51 years, Occu.: Service,
R/o: Department of Zoology,
Dr. Babasaheb Ambedkar Marathwada
University, Aurangabad,
Dist. Aurangabad.
4. Dr. Sau.Rekha Vasant Patil,
Age: 53 years, Occu.: Service,
R/o: Anurag, Sitamai Nagar,
Chalisgaon, Dist. Jalgaon.
5. Dr. Sau.Shaila Vijaykumar Sakhala,
Age: 52 years, Occu.: Service,
R/o: 28, Jai Jinendra Vivekanand Colony,
Kargaon Road, Chalisgaon,
Dist. Jalgaon.
6. Dr. Sau.Anita Gopal Naik,
Age: 56 years, Occu.: Service,
R/o: Alguj, Hanuman Wadi,
Chalisgaon, Dist. Jalgaon.
7. Dr. Sau.Chhaya Dattatraya Nikam,
Age: 63 years, Occu.: Retired,
R/o: Near Old Power House,
Chalisgaon, Dist. Jalgaon.
8. Dr.Kishorkumar Baliram Bendre,
Age: 50 years, Occu.: Service,
R/o: 111, Mathurai,

Maharana Pratap Housing Society,
Old Airport, Chalisgaon,
Dist.Jalgaon.

.. PETITIONERS

Versus

1. The State of Maharashtra,
Through it's Principal Secretary,
Higher & Technical Education Department,
Mantralaya Annex, Mumbai - 431 032.
2. The Director of Higher Education,
Maharashtra State,
Central Building Pune, Dist. Pune.
3. The Joint Director of Higher Education,
1st Floor, Maharashtra Jeevan
Pradhikaran Bldg., Jalgaon,
Dist. Jalgaon.
4. The North Maharashtra University,
P.B.No.80, Umavi Nagar, Jalgaon,
Through its Registrar,
5. Rashtriya Sahakari Shikshan Prasarak
Mandal, Central Office,
Kargaon Road, Chalisgaon, Dist.Jalgaon,
Through its Secretary.
6. Nanasaheb Yashvantrao Narayanrao Chavan
Arts, Science and Commerce College
Chalisgaon, Dist. Jalgaon
Through its Principal.

.. RESPONDENTS

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Mr.Pramod A.Pisal Advocate for Petitioners;

Mr.S.D.Kaldate, AGP for State;

Mr.D.R.Shelke, Advocate h/f. Mr.P.R.Patil, Advocate for
Respondent Nos.5 and 6.

**CORAM : S.S.SHINDE &
P.R.BORA, JJ.**

DATE OF RESERVING JUDGMENT : 15th January, 2016
DATE OF PRONOUNCING JUDGMENT: 22nd January, 2016

JUDGMENT (PER:-P.R.BORA, J.)

1) Heard. Rule. Rule made returnable forthwith. With the consent of learned Counsel for the parties the petition is heard finally.

2) By the present petition, the petitioners are praying for implementation of Note 6 of the Government Resolution dated 12th August, 2009, whereby a provision is made for stepping up the salaries of the teachers, whose juniors are getting more pay because of implementation of 6th Pay Commission.

3) Petitioner Nos. 1 and 2 are presently working as Professors and petitioner Nos. 4,5,6 and 8 are working as Associate Professors with Respondent No.6-college. Petitioner No.3 was initially appointed with Respondent No.6-college and at present he is working as Professor with Dr.Babasaheb Ambedkar Marathwada University, Aurangabad. Petitioner No.7

has retired from the services after attaining the age of superannuation. All the petitioners have obtained Ph.D. Degrees in respective faculties. It is the contention of the petitioners that there are five other Associate Professors, who are junior to them and have obtained Ph.D. Degrees subsequent to the petitioners. However, due to implementation of the 6th Pay Commission, the said juniors are getting higher salaries than the petitioners.

4) Learned Counsel appearing for the petitioners submitted that the issue raised in the present petition is no more res integra in view of the judgment delivered by the Division Bench of this court in the case of Sudamrao Keshavrao Aher & Ors. Vs. The State of Maharashtra and Ors. - 2014(1) ALL MR 697.

5) Dr.Keshav Parbat Tupe, working as Joint Director of Higher Education, Jalgaon Region, Jalgaon, has filed an affidavit in reply on behalf of Respondent Nos. 1 to 3. The respondents have opposed the submissions made on behalf of the petitioners and have prayed for dismissal of the petition.

6) Learned AGP reiterated the contentions raised in the affidavit in reply filed on behalf of Respondent Nos. 1 to 3. Learned AGP has however not disputed that the facts involved in the present case are identical with the facts in the case of Sudamrao Aher (cited supra).

7) As observed by the Division Bench of this Court in the case of Dr. Shripad Anandrao Sonegaonkar Vs. State of Maharashtra (Writ Petition No. 4628/2013), in the present case also, it is apparent that the incentives were given to the petitioners as also to their juniors, but in the process, the juniors are getting a substantial sum more every month than the petitioners. In this situation, it is necessary to step up the wages of the petitioners to equate them with the wages being paid to their juniors after 1.1.2006. Accordingly, we direct the respondents to compute the amounts payable to the petitioners in accordance with the judgment and order passed by the Division Bench of this Court in the case of Sudamrao Keshawrao Aher & Ors. (cited supra) and release the said amounts to the petitioners, as expeditiously as possible and preferably within a

period of six months from today.

8) Rule is accordingly made absolute in the
aforesaid terms with no order as to costs.

(P.R.BORA)
JUDGE

(S.S.SHINDE)
JUDGE

bdv/