

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

32 WRIT PETITION NO. 8895 OF 2015

PRABHU KESHAV CHOCHANDE
VERSUS
THE STATE OF MAHARAHSTRA AND OTHERS

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Advocate for Petitioners : V.P. Latange h/f. Kochar Pundlik S. Kolhare S.R.

AGP for Respondents: S.S. Raut

Advocate for Respondents : Supriya P. h/f. Gunale V.d. For R/3 And 4

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**CORAM : S.V.GANGAPURWALA &
P.R. BORA, JJ.**

DATED : 10.10.2016.

P.C. :-

1. Mr. Latange, the learned counsel for the petitioner submits that, the petitioner is entitled for the benefit of a Senior Teacher's pay scale and the benefit of selection grade w.e.f. 10.06.2003 and 10.06.2015, respectively. The difference of salary be directed to be paid. The petitioner is also entitled for promotion on the vacant post of Headmaster considering seniority.

2. The learned counsel for the respondent nos. 3 and 4 submits that, the petitioner was absent for a considerable time there is a break in his services, as such, the petitioner is not senior and is not entitled for selection grade so also senior scale salary.

3. We have also heard the learned A.G.P. for the respondent no.2.

4. The dispute is with regard to the pay scale applicable to the petitioner i.e. selection grade pay and senior scale, so also, petitioner stakes his claim to the post of Headmaster being Senior most Teacher. The respondents has come with a case that, the school where the petitioner is working is a girls school, whereas, according to the petitioner the said school is a co-education school for boys and girls.

5. The pay scale has to be considered and decided by the Deputy Director of Education even as per rules of 7 of the M.E.P.S. Rules.

6. In light of that we pass the following order.

7. The petitioner may approach the Deputy Director of Education with regard to his grievance about the pay scale so also the seniority. The Deputy Director of Education after receiving such an application/representation from the petitioner and after hearing the petitioner and the respondents so also considering the record that may be placed by the respective parties take decision upon the grievance of the petitioner on its own merits, in accordance with law and policy preferably within six months from the receipt of such representation and appearance of all the parties. Writ petition disposed of. No costs.

[P.R.BORA, J.]

[S.V. GANGAPURWALA, J.]