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IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****WRIT PETITION NO. 11433 OF 2016**

Basavraj Shankar Tuljapure and Ors.	...	Petitioners
Versus		
The State of Maharashtra and Anr.	...	Respondents

Mr. R. Deshmukh for the petitioners.

Ms. R.M. Shinde for the respondents.

**CORAM : SHANTANU KEMKAR &
MAKARAND KARNIK, JJ.
DATED : OCTOBER 01, 2016.**

P.C.

Not on board. Taken on production board in view of the urgency.

2. Rule. Rule made returnable forthwith. Heard by consent.
3. This petition has been filed by the present petitioners, seeking directions to the respondents, to consider their claim for payment of monetary benefits of the post of selection grade having higher pay scale.
4. The Division Bench of this court, in an unreported judgment dated 4th November 2009, in the case of Sahebrao Karbhari Gunjal & others Vs. The State of Maharashtra & others, in Writ Petition No. 1491 of 2001, has held that clauses (2) and (3) of Corrigendum

dated 3rd April 2007 of Government Resolution dated 18th September 2000 are unreasonable and unconstitutional to the extent of disparity between Hostel Superintendents of Ashram Schools recognized by the Tribal Development Department and Social Justice Department.

5. In that view of the matter, we are inclined to dispose of the petition. The respondents are directed to consider the claim of the petitioners, 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 & others Vs. The State of Maharashtra & others, in Writ Petition No. 1491 of 2001, and decide the same as expeditiously as possible and, in any case, within a period of three months from today. It is further made clear, that if the petitioners are found to be entitled to the payment of higher scale, such payment shall be made applicable within a period of four weeks from the date of decision of the respondents and the arrears, if any, shall be paid within a period of eight weeks from the date of decision.

6. Rule is made absolute in the aforesaid terms. However, there shall be no order as to costs. The petition stands disposed of.

(MAKARAND KARNIK, J.)

(SHANTANU KEMKAR, J.)