

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

WRIT PETITION NO. 1539 OF 2016

Dr. Fulchand Mahadeorao Nirwan

-vs-

State of Maharashtra, thr.its Secretary, Deptt.of Higher & Technical Education 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. Rohan Chandurkar, counsel for the petitioner.
Mr. V.P.Gangane, AGP for the respondent Nos.1 to 3.
None for the respondent No.4.

CORAM : SMT. VASANTI A. NAIK &
MRS. SWAPNA JOSHI, JJ.

DATE : 23.06.2016.

By this writ petition, the petitioner seeks a direction to the respondent Nos.1 to 3 to step up the basic pay band of the petitioner and revise the pay fixation accordingly.

Shri Rohan Chandurkar, the learned counsel for the petitioner, states that the facts and the issue involved in this case were also involved in Writ Petition No.10283 of 2012 (Sudamrao Keshawrao Aher and others v. The State of Maharashtra and others) and the Aurangabad Bench of this Court has, by the judgment, dated 21/11/2013, allowed the said writ petition and directed the respondents to take necessary action to step up the pay band of the petitioners in the said petition on par with the juniors. It is stated that it was held in the said judgment that the petitioners therein could not have been discriminated only because the junior teachers had acquired the Ph.D.Degree when the 6th Pay Commission Recommendations were in force. It is stated that a similar order would be necessary in this writ petition also, on parity.

Shri Gangane, the learned Assistant Government Pleader appearing on behalf of the respondent Nos.1 to 3, does not dispute that the facts and the law involved in the decided writ petition and the

present writ petition are the same. It is stated that an appropriate order may be passed in this writ petition also.

On hearing the learned counsel for the parties and on a reading of the judgment in Writ Petition No.10283 of 2012, dated 21/11/2013, we find that the petitioner would also be entitled to similar relief. Hence, for the reasons recorded in the judgment, dated 21/11/2013 in Writ Petition No.10283 of 2012, we partly allow this writ petition. The respondents are directed to take necessary steps to step up the pay band of the petitioner so as to bring it on par with his juniors. The respondents should refix the salary of the petitioner and the arrears of salary should be paid to the petitioner within a period of three months.

Order accordingly. No costs.

JUDGE

JUDGE