

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

WRIT PETITION NO.3338/2016

Dr. Ashok Vithobaji Gomashe

...Versus...

**State of Maharashtra, through its Secretary, Department of Higher and
Technical Education, Mantralaya, Mumbai and others**

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri B.G. Kulkarni, Advocate for petitioner
Shri A.M. Joshi, AGP for respondent nos.1 to 3

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

DATE : 25.07.2016

By this writ petition, the petitioner seeks the benefit of stepping up of pay of the petitioner. The petitioner seeks a direction against the respondents to pay the arrears to the petitioner after the pay is stepped up.

Shri Kulkarni, the learned Counsel for the petitioner states that the issue involved in this case was also involved in several writ petitions, that are decided at the principal seat and at the Aurangabad Bench. It is stated that the issue involved in this case was involved in Writ Petition No.10283/2012, that was decided at the Aurangabad Bench and in similar set of facts a direction was issued against the concerned respondents to take necessary action to step up the pay of the petitioners in the said petition. The learned Counsel seeks a similar order in this writ petition also.

The learned Assistant Government Pleader for the State Government and the learned Counsel for the University do not dispute the position of law as laid down by this Court in the judgment, dated 21.11.2013 in Writ Petition No.10283/2012 that stands confirmed by the Hon'ble Supreme Court.

Hence, for the reasons recorded in the aforesaid judgment, we allow this writ petition and direct the respondents to take necessary action to step up the pay of the petitioner so that it would be brought at par with the juniors and the petitioner should not be discriminated only because the junior teacher has secured the Ph.D. Degree during the subsistence of the 6th Pay Commission. The salary of the petitioner may be re-fixed and arrears may be paid to the petitioner, within a period of four months.

The writ petition is disposed of in the aforesaid terms with no order as to costs.

JUDGE

JUDGE

Wadkar

CERTIFICATE

I certify that this order uploaded is a true and correct copy of original signed order.

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