

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

CIVIL APPLICATION NO.2106/2016 IN WRIT PETITION NO.2033/2012

Ku. Khushbu Shyamrao Jagane ..vs.. The Divisional Caste Certificate Scrutiny
Committee No.1, Nagpur Division, Nagpur and anr.

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

Court's or Judge's orders

Mr. P. D. Meghe, Advocate for applicant.
Mrs. K. Deshpande, A.G.P. for non applicant no.1.
Mr. A. Y. Kapgare, Advocate for non applicant no.2.

CORAM : B. R. GAVAI & V. M. DESHPANDE, JJ.
DATE : OCTOBER 5, 2016

Heard.

This is an application for direction to the non
applicants-respondents to pay salary to the applicant-
petitioner as per the pay scale applicable to the Primary
Teacher of Zilla Parishad.

The application is opposed by the Zilla Parishad
on the ground that the applicant's appointment is subject to
validation of her caste claim. It is submitted that the
applicant would be entitled to the regular salary only if her
claim is validated and if she completes 3 years period as
Shikshan Sevak.

We find that the contention raised by the Zilla
Parishad is without substance. This Court, vide order dated
04.10.2012, after hearing the parties, has granted interim
relief in terms of prayer clauses (d) and (e). It can be thus
seen that this Court had stayed the order of the Scrutiny
Committee and also restrained the Zilla Parishad from
terminating the services of the applicant.

In that view of the matter, upon completion of three years' service as Shikshan Sevak, the petitioner was entitled to the salary in the pay scale of Primary Teacher. Even otherwise, the petitioner would be entitled to the salary on the principle of "Equal pay for equal work". If the other employees, who were appointed with the petitioner are getting regular salary, the petitioner cannot be deprived of the same.

In that view of the matter, rule is made absolute in terms of prayer clause (i) of the application. However, with a rider that the same shall be done from the date on which the applicant has completed three years service as Shikshan Sevak.

JUDGE

JUDGE

CERTIFICATE

I certify that this Judgment/Order uploaded is a true and correct copy of original signed Judgment/Order.

Uploaded by: Y. A. Kahale.

Uploaded On:07.10.2016