

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

WRIT PETITION NO.1740 OF 2017

(Dr. Anilkumar s/o. Sakharampant Tak
Vs.

The State of Maharashtra and others)

Mr.S.A.Ambilwade, Advocate for the Petitioner
Mr.V.S.Badakh, A.G.P. for respondent nos.1 to 3
Mr.S.B.Deshpande, A.S.G.I. for respondent no.4
Mr.Y.V.Kakade, Advocate for respondent no.5
Mr.P.R.Katneshwarkar, Advocate for respondent No.6

**CORAM : S.V. GANGAPURWALA AND
SANGITRAO S. PATIL, JJ.**

DATE : APRIL 07, 2017

ORAL ORDER :

Heard the learned Counsel for the petitioner and the learned Counsel for the respective respondents.

2. The grievance of the petitioner is that he possesses Ph.D. qualification and he has acquired the said qualification prior to implementation of 6th Pay Commission and now juniors to the petitioner, who have been appointed subsequently

and have acquired Ph.D. after implementation of the 6th Pay Commission, are paid more salary than the petitioner.

3. Division Bench of this Court, in the case of ***Sudamrao Keshawrao Aher and others Vs. The State of Maharashtra and others, in Writ Petition No. 10283/2012***, decided on 21st November, 2013, has held that the senior cannot be paid less than his junior who is holding the same qualification.

4. Considering the above, we pass the following order:-

5. The respondents shall take necessary action to step up the pay/pension of the petitioner so as to bring it at par with juniors where all the parameters are same and shall not discriminate only because the junior teachers have acquired Ph.D. Degree/M.Phil. Qualification, as the case may be and are getting higher salary/pension during implementation of 6th Pay Commission's

recommendations. The salary of the petitioner may be re-fixed and arrears be paid within a period of six months.

6. With the above directions, the Writ Petition is disposed of. No costs.

[**SANGITRAO S. PATIL, J.**] [**S.V. GANGAPURWALA, J.**]

kbp