

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

WRIT PETITION NO. 1882 OF 2017

Dr. Hemant Ananda Mahajan,
Age : 49 years, Occu. : Service,
R/o Plot No. 78, S.No. 694,
Behind Gajanan Maharaj Mandir,
Bhusawal Road, Mukhtainagar,
District Jalgaon.

.. Petitioner

Versus

1. The State of Maharashtra,
Through its Principal Secretary,
Higher and Technical Education
Department, Mantralaya - Annex,
Mumbai - 32.
2. The Director of Higher Education,
Maharashtra State, Central Building,
Pune, District - Pune.
3. The Joint Director of Higher Education,
First Floor, Maharashtra Jeevan
Pradhikaran Building, Jalgaon,
District - Jalgaon.
4. The North Maharashtra University,
Post Box No. 80, Umavi Nagar,
Jalgaon, District-Jalgaon
Through its Registrar.
5. Smt. Godvaribai Ganpatrao Khadse
College, Muktainagar, Mukhtainagar,
Dist. Jalgaon, through its Principal. .. Respondents

Shri Girish S. Rane, Advocate for the Petitioner.
Mrs. M. A. Deshpande, Addl.G.P. for Respondent Nos. 1 to 3.
The Respondent Nos. 4 and 5 are served.

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

DATE : 23RD MARCH, 2017.

ORAL JUDGMENT (*Per S. V. Gangapurwala, J.*) :-

. We have heard Mr. Rane, the learned counsel for the petitioner and the learned Additional Government Pleader for respondent Nos. 1 to 3.

2. The grievance of the petitioner is that, the petitioner is senior to one Mr. R. R. Kinge, who is appointed subsequently to the petitioner. The petitioner has acquired Ph. D. qualification on 06th December, 1997, whereas Mr. Kinge has acquired Ph. D. on 17th October, 2007. Only because Mr. Kinge has acquired qualification of Ph. D. after introduction of the 06th Pay Commission, the salary of said Mr. Kinge is more than the petitioner.

3. It is settled proposition of law that a senior cannot get the salary less than that of his junior. The similar aspect of salary being paid on account of incentives to a person on acquiring Ph. D. qualification after introduction of 06th Pay Commission vis-a-vis the salary of a person who was senior and acquired Ph. D.

qualification earlier is considered by this Court in Writ Petition No. 10283 of 2012 with other connected writ petitions decided on 21st November, 2013. It is submitted that, even Special Leave Petition filed against the said judgment is dismissed.

4. We follow the same course and for the reasons recorded in judgment dated 21st November, 2013 in Writ Petition No. 10283 of 2012 with other connected writ petitions, we pass following order.

5. The respondents shall take necessary action to step up the pay of the petitioner so as to bring it at par with junior where all the parameters are same and shall not discriminate only because the junior teacher has acquired Ph. D. degree and is getting higher salary during implementation of 6th Pay Commission's recommendations. The salary of the petitioners may be refixed and arrears be paid within a period of six months.

7. Rule is made absolute accordingly. No costs.

Sd/-

[SANGITRAO S. PATIL, J.]

Sd/-

[S. V. GANGAPURWALA, J.]