

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

931 WRIT PETITION NO. 2518 OF 2017

SANJAY JANARDHANRAO JADHAV AND SARJERAO NARAYANRAO
JADHAV
VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

WITH

935 WRIT PETITION NO. 2528 OF 2017

NANDANI PRABHAKARRAO TADKALKAR AND ANJALI VITTHALRAO
CHAUDHARI

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioners : Mr. Gunale V. D.

AGP for Respondents State: Mr. M. B. Bharaswadkr

Advocate for respondent No.4: Mr. S. B. Deshpande, ASG

**CORAM : S. V. GANGAPURWALA &
K. L. WADANE, JJ.**

DATE : 23rd February, 2017

ORDER:

1. Learned counsel for the petitioners seeks leave to delete respondents 5 and 6. Leave granted.

2. Learned AGP accepts notice for respondent Nos. 1, 2 and 3. Mr. Deshpande, the learned ASG appears for respondent No.4.

3. Grievance of the petitioners is that all these petitioners possess Ph.D. qualification and they have acquired qualification prior to implementation of 6th

Pay Commission and now juniors to the petitioners who have been appointed subsequently and have acquired Ph.D. after implementation of the 6th Pay Commission are paid more salary than the petitioners.

4. Division Bench of this Court, in case of Sudamrao Keshavrao Aher & others Vs. The State of Maharashtra and others, in writ petition No. 10283/2012, decided on 21.11.2013, has held that senior cannot be paid less than his junior who is holding the same qualification.

5. Considering the above, we pass following order:

O R D E R

The respondents shall take necessary action to step up the pay/pension of the petitioners 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 salaries of the

petitioners may be re-fixed and arrears be paid within a period of six months.

6. Writ petitions are accordingly disposed of. No costs.

(K. L. WADANE, J.)

(S. V. GANGAPURWALA,
J.)

JPC