

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

WRIT PETITION NO. 2732 OF 2017

Madhukar Vikram Patil

..PETITIONER

VERSUS

State of Maharashtra and Others

..RESPONDENTS

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Mr. R.S. Pawar, Advocate for petitioner.

Mr. M.B. Bharaswadkar, A.G.P. for respondent - State.

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

DATED : 01st MARCH, 2017

ORDER :

1. Mr. Pawar, learned Counsel for petitioner seeks leave to delete Respondent Nos. 4 and 5. Leave is granted.

2. Learned A.G.P. accepts notice for Respondent Nos. 1, 2 and 3.

3. Grievance of the petitioner is that petitioner possess Ph.D. qualification and he has acquired qualification prior to implementation of 6th Pay Commission and now juniors to the petitioner who has been appointed subsequently and has acquired Ph.D. after implementation of the 6th Pay Commission is paid more salary than the petitioner.

4. Division Bench of this Court, in case of Sudamrao Keshawrao 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 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 refixed and arrears be paid within a period of six months.

6. Writ petition is accordingly disposed of. No costs.

(K.L. WADANE, J.)

(S.V. GANGAPURWALA, J.)

SSD