

FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE, BENCH AT AURANGABAD

WRIT PETITION NO.3165 OF 2017

Prabhu S/o Walmikrao Pawar and others Vs. The State of Maharashtra and others.

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders
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Mr.D.S.Kudle, advocate for the petitioners.
Mr.V.M.Kagne, A.G.P. for the State.

**CORAM : S.V.GANGAPURWALA AND
K.L.WADANE, JJ.**
Date : 08.03.2017.

PER COURT :

1. Heard.
2. Learned A.G.P. accepts notice for Respondent Nos.1 to 8.
3. Learned counsel submits that the petitioners are appointed as Hostel Superintendents. All the petitioners possess qualification of HSC. They are entitled for higher pay-scale. The learned counsel relies on the judgment of the Division Bench of this Court dated December 10, 2010 in W.P.No.11136/2010 with connected Writ Petitions.
4. Learned A.G.P. on going through the said judgment accepts that the petitioners are similarly situated.
5. In view of that, we follow the same course.

6. The Division Bench of this Court, in an unreported judgment dated 4th November 2009, in the case of “Sahebrao Karbhari Gunjal and others Vs. The State of Maharashtra and others in W.P.No.1491/2001, has held that clauses (2) and (3) of Corrigendum dated 3rd April 2007 of Government Resolution dated 18th September 2000 are unreasonable and unconstitutional to the extent of disparity between Hostel Superintendents of Ashram Schools recognised by the Tribal Development Department and Social Justice Department. In that view of the matter, we are inclined to allow the petitions.

7. In the result, the petition is allowed. The respondents are directed to consider the claim of the petitioners, in the light of the law laid down by the Division Bench of this Court in the judgment dated 4th November 2009, in the case of “**Sahebrao Karbhari Gunjal (supra)** and decide the same as expeditiously as possible and, in any case, within a period of three months from today. It is further made clear, that if the petitioners are found to be entitled to the payment of higher scale, such payment shall be made applicable within a period of four weeks from the date of decision of the respondents and the arrears, if any, shall be paid within a period of eight weeks from the date of decision.

8. The Writ Petition is disposed of. No costs.

(K . L . WADANE , J .)

(S . V . GANGAPURWALA , J .)

Dt.08.03.2017.
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