

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

WRIT PEITITION NO.5424 OF 2007

- 1) Bapudeo s/o Goroba Kamble,
Age : 34 years, Occ.: Service, as
Headmaster.
- 2) Pandurang s/o Ganpati Bachpalle
Age : 32 years, Occ.: Service, as
Assistant Teacher.
- 3) Anurath s/o Pandurang Jadhav,
Age : 27 years, Occ.: Service,
- 4) Sheshkumar s/o Digamber Dake,
Age : 35 years, Occ.: Service, as
Assistant Teacher
- 5) Navnath s/o Ganpatrao Sake,
Age : 31 years, Occ.: Service, as
Assistant Teacher.

All R/o.: Shri Chatrapatai Shahu
Primary Scheduled Caste Ashram
School, at Post Bardapur, Tq.
Ambejogai Dist. Beed.

...Petitioners

Versus

- 1) The State of Maharashtra,
through its Principal Secretary,
Social Welfare Department,
Maharashtra State, Mantralaya,
Mumbai - 32.
- 2) The Director of Social Welfare,
Maharashtra State, Pune-1.
- 3) The Divisional Social Welfare
Officer, Aurangabad Division,
Jalna Road, Aurangabad.
- 4) The Social Welfare Officer, Zilla

Parishad, Block-A, Beed Dist.
Beed.

- 5) Shivshakti Samaj Seva Mandal,
Latur, Tq. & Dist. Latur, through
it's Secretary.
- 6) Shree Chhatrapati Shahu Primary
Scheduled Caste Ashram School,
At Post Bardapur, Tq. Ambejogai,
Dist. Beed.

...Respondents.

Mr. R.R. Suryawanshi, Advocate for petitioners
Mr. S.N. Morampalle, A.G.P. for respondent Nos.1 to 3
Mr. P.P. More, advocate for respondent No.4
Mr. S.P. Urgunde, Advocate for respondent No.5

**CORAM : SUNIL P. DESHMUKH AND
SANGITRAO S. PATIL, JJ.**

DATE : OCTOBER 10, 2017

ORAL JUDGMENT : (PER COURT: SUNIL P. DESHMUKH, J)

Petitioners are employees of respondents No.5 institution and respondent No.6 Ashram School for scheduled caste students. Learned counsel for petitioners points out Government Resolution dated 05-03-2005, under which benefits of revised pay-scale pursuant to 5th Pay Commission had been given to teaching staff of Ashram Schools mentioned therein with effect from 01-11-

2003. The date gives rise to invidious discrimination between petitioners on one hand and other categories on the other, despite them being similarly situated employees.

2. Employees of private schools as well as V.J.N.T. schools run for sugarcane cutters' students have been given benefit of 5th pay commission long back. He submits that majority of these employees have been given the benefit of revised pay-scale with effect from 1st January, 1996 and to some employees of VJNT category it has been made available from 1st October, 1998. He submits that there is no reason as to why the benefit should not be given to petitioners from 1st January, 1996. Government issued resolution stating that the same would be made available to the employees working in the ashram schools for schedule caste students since 3rd November, 2003. Thus parity in respect of granting effect of date of benefit of pay revision under 5th Pay Commission is sought under Writ Petition.

3. He submits that there is no reason as to why, petitioners' Ashram Schools should be discriminated from the other school categories. He submits that Ashram Schools for schedule caste students are similarly situated like the other schools, there is no

reason as to why Ashram Schools for Scheduled Castes should receive different treatment and there is absolutely no reason as to why the employees of Ashram Schools for Schedule Caste students be deprived of the benefits given to other Ashram schools and private schools.

4. Learned counsel for the petitioners refers to various requests and representations made by petitioners and particularly, the representations and communications from 06-03-2007 and 13-03-2007.

5. Learned counsel for the petitioners refers to the order passed by this Court on 07-04-2008, wherein it has been observed by Division Bench, if reply was not filed by the next date, applying the rule of non-traverse Court would be constrained to allow Writ Petition in terms of prayer clause B.

6. The learned Assistant Government Pleader submits that under the circumstances, the respondents may be directed to decide the representations filed by the petitioners.

7. Despite that the matter has been pending since 2007, the representations of the petitioners appear to have remained

undecided, yet.

8. Looking at the subject matter, we are directing respondents to decide the representations of the petitioners expeditiously. The respondents as such to proceed with the representations filed by the petitioners and take decision on the same within a period of three months from the date of receipt of Writ of this order.

9. Writ petition is disposed of.

10. Rule made absolute accordingly.

[SANGITRAO S. PATIL, J.] [SUNIL P. DESHMUKH, J.]

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