

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.3157 OF 2017

Dr. Gangadhar Vithobaji KayandepatilPetitioner
V/s.
The State of Maharashtra
Through the Principal Secretary,
and Ors.Respondents

Ms. Leena Patil, Advocate for Petitioner.
Ms. Kavita N. Solunke, AGP for the Respondent Nos.1 to 3-State.
Mr. Sachin Gite, Advocate for Respondent No.6.
Ms. Sukhman Rait i/by Mr. S.S.Patwardhan, Advocates for
Respondent No.7.
Mr. S.U.Solanke, Advocate for Applicant in CAW 1223 of 2017.
Dr. N. Vijay, Joint Director, Higher Education, Pune Division, Pune
present.
Ms. Dnyanada Kadam, Administrative Officer, Higher Education,
Pune Region, Pune present.

**CORAM :- B.R.GAVAI &
SANDEEP K. SHINDE, JJ.**

DATE :- 3RD NOVEMBER, 2017.

P.C. :-

Rule. Rule made returnable forthwith. Heard by
consent.

2 The Petitioner has approached this Court praying for
direction to the Respondents to give benefits of higher pay-scale
upon completion of five years from the dates with effect from which
they were placed in the selection grade/readers.

3 The Petitioner has specifically restricted his claim on Note No.6 of Government Resolution dated 12.8.2009.

4 The controversy is no more res-integra in view of the judgment of the Division Bench of this Court at Aurangabad Bench in **Sudamrao Keshavrao Aher and Others v. State of Maharashtra and Others**. The Aurangabad Bench of this Court had an occasion to consider the issue. The Division Bench after considering the rival submissions had held that the Petitioners, who are similarly situated with the present Petitioner, were entitled to step up of their pay so as to be at par with their juniors. It is further to be noted that the judgment of the Division Bench of this Court at Aurangabad Bench has been assailed before the Hon'ble Apex Court. Perusal of the affidavit-in-reply filed on behalf of the State itself would reveal that though the judgment of the Division Bench of this Court at Aurangabad is assailed before the Hon'ble Apex Court, by an order dated 5.5.2015, the Hon'ble Supreme Court had directed the State to implement the order of the High Court without prejudice to its rights and contentions in those Special Leave Petitions. Interlocutory application filed for modification of the said order has already been rejected by the Hon'ble Supreme Court.

5 In that view of the matter, we find that the present petition also deserves to be allowed. Rule is, accordingly, made absolute in terms of prayer clause (b). Arrears be paid on receipt of this order within a period of three months from today.

(SANDEEP K. SHINDE, J)

(B.R.GAVAI, J)