

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 3804 OF 2018

Dr. Pandhari Eranna Vibhute

.. **Petitioner**

Versus

The State of Maharashtra and others

.. **Respondents**

Shri N. D. Kendre, Advocate for the Petitioner.

Shri A. V. Deshmukh, A.G.P. for Respondents.

CORAM : **S. V. GANGAPURWALA &**
SUNIL K. KOTWAL, JJ.

DATE : **11th June, 2018**

PER COURT :

1. It is not disputed that one Dr. R. V. Patil, is Junior to the petitioner and working in the petitioner's college as referred to in paragraph no. 8 of the affidavit-in-reply. The petitioner has secured Ph. D. degree on 03.03.2000, whereas Dr. R. V. Patil, has secured Ph. D. degree after 01.01.2006. The grievance of the petitioner is that the senior cannot be paid less salary than his junior only on the ground that the junior has got Ph. D. degree after 01.01.2006.

2. We have heard the learned Assistant Government Pleader.

3. The issue is no longer *res integra* in view of the Judgment and Order passed by this court in Writ Petition No. 11225 of 2017 with connected writ petition under order dated 6th February, 2018. In view of that, we follow the same course.

4. The facts giving rise to the instant petitions need not be stated in detail since those are undisputed. Even otherwise, the facts are identical as in the case of **Dr. Sudhakar Murlidhar Lawande and others Vs. State of Maharashtra** (WP No.11129/2015) and in the case of **Sudamrao Keshavrao Aher & ors. Vs. The state of Maharashtra & others** in W.P. No.10283/2012, decided on 21st November, 2013 [2014 (1) ALL MR 697].

5. For the reasons recorded while disposing of the aforesaid matters presented by Sudamrao Aher and others, the instant writ petition also deserves to be allowed and the same is accordingly allowed.

6. The respondents shall take necessary action to step up the pay 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 and are getting higher salary 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.

7. Writ Petition accordingly stands disposed of. No costs.

[SUNIL K. KOTWAL, J.]

[S. V. GANGAPURWALA, J.]

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