

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

WRIT PETITION NO.8793 OF 2017

Dr. Vaishali d/o Digambarrao Bondekar

..Petitioner

Versus

The State of Maharashtra and ors.

..Respondents

Mr S.N. Pagare, Advocate for petitioner

Mr K.N. Lokhande, A.G.P. for respondent nos.1 and 2

Mr S.B. Pulkundwar, Advocate for respondent no.3

Mr R.R. Karpe, Advocate for respondent nos.4 and 5

**CORAM : S.V. GANGAPURWALA &
A.M. DHAVAL, JJ**

DATE : 10th April 2018

PER COURT

1. Leave to add Director of Higher Education as a party. Leave granted. Learned A.G.P. waives notice for added respondent.
2. The petitioner seeks payment of salary as per the scale. According to the petitioner, even the appointment letter issued by the respondents shows that the petitioner is appointed in the pay-scale of Rs.37400-67000 with starting pay of Rs.70,000/-. According to the petitioner, she is paid meager sum in the range of Rs.59,000/- every month.
3. According to the respondents, the petitioner is not diligently performing her duties. The petitioner is unauthorizedly absent. Notices are issued to the petitioner to improve the performance. The petitioner has accepted the offer of the respondents. When the respondents are extracting the work from the petitioner, the petitioner is entitled for the salary as per the scale applicable.

4. There are some disputed facts raised by the respondents.
5. It would be appropriate for the Director of Higher Education to consider the record of both the parties and shall arrive at the pay-scale to which the petitioner is entitled to. The Director of Higher Education shall also get the record from respondent no.3 - Maharashtra University of Health Science, Nashik that may have been submitted by respondents no.4 and 5 from time to time with regard to the employment of petitioner so as to ascertain the pay-scale agreed by the respondents. After verifying the record of respondent no.3, respondents no.4 and 5 and the petitioner, the Director of Higher Education shall take decision about the amount, the petitioner is entitled to. The said exercise be done by the Director of Higher Education within a period of four months from today.
6. Writ Petition is accordingly disposed of. No costs.

(A.M. DHAVAL, J.)

(S.V. GANGAPURWALA, J.)

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