

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

WRIT PETITION NO.11232 OF 2017

Dr. Babu s/o Bhaurao Pawade

..Petitioner

Versus

The State of Maharashtra,
through its Secretary, Higher and
Technical Education, Mantralaya,
Mumbai and ors.

..Respondents

Mr V.D. Gunale, Advocate for petitioner
Mr A.V. Deshmukh, AGP for respondent-State
Mr B.B. Kulkarni, Advocate for respondent no.4
Mr A.D. Aghav, Advocate for respondent no.6

- WITH -

WRIT PETITION NO.11233 OF 2017

Ramkishan Mukundrao Chaudhari

..Petitioner

Versus

The State of Maharashtra and ors.

..Respondents

Mr V.D. Gunale, Advocate for petitioner
Mr A.V. Deshmukh, AGP for respondents no.1 to 3
Mr B.B. Kulkarni, Advocate for respondent no.4
Mr A.D. Aghav, Advocate for respondent no.6

- WITH -

WRIT PETITION NO.11257 OF 2017

Aliya Meraj Sayyed

..Petitioner

Versus

The State of Maharashtra and ors.

..Respondents

Mr V.D. Gunale, Advocate for petitioner
Mr A.V. Deshmukh, AGP for respondents no.1 to 3
Mr B.B. Kulkarni, Advocate for respondent no.4
Mr V.P. Latange, Advocate for respondent no.5

- WITH -

WRIT PETITION NO.11451 OF 2017

Ulka Sitaram Deshmukh

..Petitioner

Versus

The State of Maharashtra and ors.

..Respondents

Mr V.D. Gunale, Advocate for petitioner

Mr A.V. Deshmukh, AGP for respondents no.1 to 3

Mr B.B. Kulkarni, Advocate for respondent no.4

Mr A.D. Aghav, Advocate for respondent no.5

**CORAM : S.V. GANGAPURWALA &
A.M. DHAVAL, JJ****DATE : 24th April 2018****PER COURT**

1. Grievance of the petitioners is that all these petitioners possess Ph.D. qualification and they have acquired qualification prior to implementation of 6th Pay Commission and now juniors to the petitioners who have been appointed subsequently and have acquired Ph.D. after implementation of the 6th Pay Commission are paid more salary than the petitioners.

2. Division Bench of this Court, in case of Sudamrao Keshawrao Aher & others Vs. The State of Maharashtra and others, in writ petition no.10283/2012, decided on 21.11.2013, has held that senior cannot be paid less than his junior who is holding the same qualification.

3. Considering the above, we pass following order :

ORDER

The respondents shall take necessary action to step up the pay/pension of the petitioners 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/M.Phil qualification as the case may be and are getting higher salary / pension during implementation of 6th Pay Commission's recommendations. The salaries of the petitioners may be re-fixed and arrears be paid within a period of six months.

4. Writ Petitions are accordingly disposed of. No costs.

(A.M. DHAVAL, J.)

(S.V. GANGAPURWALA, J.)

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