

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

33 WRIT PETITION NO. 12798 OF 2017

KHAN ABDUL LATEEF ABDUL RAB KHAN ..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

...

Mr. Ashok B. Tele, Advocate for the Petitioner.

Mr. S. G. Karlekar, AGP for Respondents-State.

Mr. Avishkar S. Shelke, Advocate for Respondent
Nos.3 and 4.

...

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

DATED : 26th JULY, 2018.

PER COURT:-

1. Mr. Tele, learned counsel for the petitioner submits that during the pendency of writ petition, approval has been granted to the appointment of the petitioner. However, the only question is about the pay scale. The learned counsel submits that the petitioner was working in Higher Secondary and now he has been appointed in a Junior College. The pay scale, which the petitioner was getting while working in Higher Secondary should be protected. The learned counsel relies on the Government Resolution dated 15.09.2011.

2. The learned Additional Government Pleader submits that the petitioner was getting pay scale of a Secondary and now petitioner is working in Junior College, as such, pay protection cannot be

granted as per Government Resolution dated 15.09.2011.

3. The claim of the petitioner is that the petitioner was working in Higher Secondary School earlier and now is in Junior College. If, the petitioner is appointed in a Junior College or Higher Secondary from Higher Secondary, then the pay is protected. The last pay drawn needs to be protected.

4. The Deputy Director of Education shall consider whether the petitioner was working in Higher Secondary and the pay scale drawn by the petitioner. If, the petitioner was working in Higher Secondary and now is appointed in Junior College, then his pay would be protected. The decision should be taken about the pay protection considering the pay scale being drawn by the petitioner while working in a Higher Secondary School. The same be considered and decision taken within a period of (03) three months.

5. Writ Petition is disposed of. No costs. The petitioner may represent himself before the Authority.

(SUNIL K. KOTWAL)
JUDGE

(S. V. GANGAPURWALA)
JUDGE