

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

WRIT PETITION NO. 296 OF 2018

Jagannath Sopanrao Jadhav .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri V. G. Kodale, Advocate h/f Shri V. D. Gunale, Advocate for the Petitioner.

Shri S. M. Ganachari, A.G.P. for Respondent Nos. 1 to 3.

Shri B. B. Kulkarni, Advocate for the Respondent No. 4.

Shri A. D. Aghav, Advocate for the Respondent No. 5.

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

DATE : 30TH JANUARY, 2019.

FINAL ORDER :

. The petitioner's claim stepping up of his pay scale on par with his juniors. The petitioner claims to be appointed on 12.08.1985 and acquired Ph. D. qualification on 17.01.2004. According to the petitioner Professor M. P. Chitanand and Professor K. N. Gandage are appointed on 13.08.1985. They had acquired Ph. D. qualification on 29.09.2007 and 02.02.2017 respectively and are given higher pay scale. All three are similarly situated. Only because Ph. D. qualification is acquired subsequent after 01.01.2006 their pay scales have been revised.

2. We have heard the learned counsel for respective parties.
3. The issue is no longer res-integra. The petitioner possess Ph. D. qualification prior to the implementation of the 6th Pay Commission and now juniors to the petitioner who have been appointed subsequently and acquired Ph. D. after 01.01.2006 are paid more salary.
4. Division Bench of this Court, in case of Sudamrao Keshawrao Aher & others Vs. The State of Maharashtra and others, in writ petition No. 10283 of 2012, decided on 21.11.2013, has held that senior cannot be paid less than his junior who is holding the same qualification.
5. Considering the above, we pass following order:

O R D E R

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.

6. The writ petition is accordingly disposed of. No costs.

[A. M. DHAVAL, J.]

[S. V. GANGAPURWALA, J.]

bsb/Jan. 19