

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

Writ Petition No. 02094 of 2017

District : Hingoli

Dhanlal s/o. Limbaji Rathod,
Age : 54 years,
Occupation : Hostel Superintendent,
R/o. Secondary Ashram School,
Waranga Phata, Kalamnuri,
Dist. Hingoli.

.. Petitioner

versus

1. The State of Maharashtra,
Through Principal Secretary,
Social Justice and Special Assistance
Department,
Mantralaya, Mumbai - 32.
2. Director of V.J.N.T., O.B.C. and
Special Backward Class &
Social Welfare Department,
Maharashtra State, Pune.
3. Regional Dy. Commissioner,
Social Welfare Department,
Latur Region, Latur.
4. Asst. Commissioner,
Social Welfare Department,
Hingoli.
5. Vasantrao Naik Secondary
Ashram School,
Waranga Phata,
Taluka Kalamnuri,
Dist. Hingoli,
Through its Head Master.

.. Respondents

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Mr. Paresh B. Patil, Advocate, for petitioner.

*Mr. P.N. Kutti, Assistant Government Pleader, for
respondents no.01 to 04.*

Mr. M.D. Gitte, Advocate, for respondent no.05.

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**CORAM : SUNIL P. DESHMUKH &
SMT. VIBHA KANKANWADI, JJ.**

DATE : 18TH NOVEMBER 2019

ORAL JUDGMENT *[Per Sunil P. Deshmukh, J.] :*

Heard learned Counsel for the parties.

02. Rule. Rule made returnable forthwith and heard learned Advocates for the appearing parties finally with consent.

03. Petitioner has been appointed as hostel superintendent from 1991 by respondent no.05 and has been working since then without any interruption. He is B.Com., B.P.Ed. The petitioner while was not getting benefits of selection grade higher pay scale, had been before this court under writ petition no.10960 of 2010. This court while deciding said petition along with writ petition no.11136 of 2010 and companion petitions, had directed authorities to consider claim of petitioners therein, including present petitioner, for grant higher pay scale. Petitioner had been before this court once again in writ petition no.1627 of 2016 and order dated 25th July 2016 in said writ petition had been implemented by the respondents, granting him pay scale along with grade pay of Rs. 4200/-. While the petitioner has been paid accordingly, orders dated 18/22-11-2016 and 02-01-2017 thereunder withdrawing the pay scale and

directing recovery came to be issued.

04. Learned counsel for the petitioner submits that such a position as appearing in the present matter is similar to the one as in writ petition no. 13660 of 2017 and the same has been allowed by separate judgment delivered today. He submits that the reasons thereunder would apply *mutatis mutandis* to the present petitioner since the petitioner has been working and no recovery has been made. This submission has not been met with by any plausible resistance on behalf of respondents.

05. In the circumstances, having regard to the decision in writ petition no. 13660 of 2017, it would be appropriate that the impugned orders are set aside by allowing the petition.

06. Writ petition is therefore allowed in terms of prayer clauses "B" and "C". Rule made absolute accordingly. There shall be no order as to costs.

(Smt. Vibha Kankanwadi)
JUDGE

(Sunil P. Deshmukh)
JUDGE

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