

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

128 WRIT PETITION NO.8636 OF 2019

APPASAHEB SHAMRAO PHAND

..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

...

Mr. Abhishek C. Deshpande, Advocate for the
Petitioner.

Mr. P. G. Borade, AGP for Respondents-State.

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**CORAM : S. V. GANGAPURWALA &
AVINASH G. GHAROTE, JJ.**

DATED : 02nd DECEMBER, 2019.

PER COURT:-

1. The petitioner seeks stepping up of pay scale. According to the learned counsel for the petitioner, the petitioner is awarded Ph.D qualification prior to 01.01.2006. Mr. Bahir Laxman Bhanudas is junior to the petitioner. He has acquired qualification of Ph.D after 01.01.2006 and he has been granted benefit of non-compounded increment. A senior cannot get salary less than his junior.

2. The respondents shall take necessary action to step up the pay of the petitioner so as to bring it at par with the juniors where all the parameters are same and shall not discriminate only because the junior teachers have acquired Ph.D. Degree and are getting higher salary during

implementation of 6th Pay Commission's recommendations. In that case, after verifying the record and if found that Mr. Bahir is junior and getting more salary, then the salaries of the petitioner may be re-fixed and arrears be paid within a period of six months.

3. Writ petition is disposed of. No costs.

(AVINASH G. GHAROTE)
JUDGE

(S. V. GANGAPURWALA)
JUDGE