

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

**REVIEW APPLICATION STAMP NO. 15138 OF 2018
IN
WRIT PETITION NO. 11385 OF 2016**

The State of Maharashtra and others .. Applicants

Versus

Ramesh Pundlik Patil and others .. Respondents

Shri S. B. Yawalkar, Addl.G.P. for Applicants.
Mrs. R. R. Mane, Advocate for the Respondent No. 1.
Shri A. V. Hon, Advocate for Respondent Nos. 3 and 5.

**CORAM : S. V. GANGAPURWALA AND
MANGESH S. PATIL, JJ.**

DATE : 05TH JULY, 2019.

FINAL ORDER :

. Mr. Yawalkar, the learned Addl. G. P. submits that, this Court allowed the writ petition on the premise that the junior to the writ petitioner was paid more salary than the petitioner. In fact, the comparison was made with the professor of another college and not of the same college. The said comparison cannot be made as both cannot be said to be similarly situated.

2. Mrs. Mane, the learned counsel for the original writ petitioner submits that, in fact in view of the implementation of

the 6th Pay Commission, there cannot be disparity in professors acquiring Ph.D. qualification after 01.01.2006 and prior to 01.01.2006. Only because the petitioner has obtained Ph. D. before 01.01.2006 that cannot be a disadvantage to the petitioner.

3. By passing order dated 05th April, 2011 in Writ Petition No. 11385 of 2016, we had observed that, junior to the petitioner who is holding same qualification is paid more salary than the petitioner. In fact, at that relevant time it does not appear to be pointed out during the course of argument that junior who is a junior to the petitioner is professor of another college.

4. Considering the above, the order under review is recalled. The Writ Petition No. 11385 of 2016 is restored to its original position. The review application is disposed of.

[MANGESH S. PATIL, J.]

[S. V. GANGAPURWALA, J.]

bsb/July 19