

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

**REVIEW APPLICATION STAMP NO.27382 OF 2018
IN
WRIT PETITION NO.6354 OF 2018**

**THE STATE OF MAHARASHTRA AND ORS
VERSUS
DR.AMARSING GOPALSING CHAWHAN AND ORS**

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**AGP for Applicants : S.B.Yawalkar
Adv S A Ambilwade For R No.1
Adv. Gadegaonkar Bharat N. For R.4 in WP**

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

DATE : 02/08/2019

PER COURT :

Mr. Yawalkar, the learned A.G.P. for the review applicant submits that this Court has directed stepping up the pay of the non-applicant at par with the juniors if they are paid more than him because of Ph.D. qualification after 1/1/2006. The learned AGP submits that the non applicant has compared himself with the junior in different college and institution. We have also heard learned counsel for non applicant. While disposing of the Writ Petition No.6354/2018 under order dated 25/6/2018, we had observed as under :

“7] The respondents shall take necessary action to step up the pay/pension of the petitioner 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 salary of the petitioner may be refixed and arrears be paid within a period of six months.”

2] In the said order we have not directed the State to compare the petitioner with any specific person. We have said that the action to step up the pay/pension of the petitioner shall be taken so as to bring him at par with juniors where all parameters are same and shall not discriminate only because juniors have acquired Ph.D./M.Phil qualification after 1/1/2006 i.e. after 6th Pay Commission Recommendation.

3] It is for the applicant to consider whether the petitioner is entitled for the stepping up of pay scale when juniors are getting more than him only because they acquired Ph.D./M.Phil qualification after implementation of the 6th Pay Commission Recommendation. The applicant has to take decision in that regard. We have never compared the non-applicant with any person of other institution in the said order.

4] In view of above, Review Application is disposed of.

(MANGESH S. PATIL,J.)

(S.V.GANGAPURWALA,J.)

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