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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.701 OF 2019**

Shinde Shrimant Shankar,]
Age: 49 years, Occ: Service]
R/at: Shri Biroba Ashram School]
Padolkarwadi, Tal: Mangalwedha,]
Dist: Solapur] Petitioner.

V/s

1] The State of Maharashtra]
Through the Secretary Social Justice]
Department, Mantralaya, Mumbai-32]
]
2] The Director,]
Vimukta Jati Nomadic Tribe]
Other Backward Class,]
Special Backward Class,]
Maharashtra State, Pune]
]
3] Assistant Commissioner @ Special]
District Social Welfare Officer,]
Solapur, Dist: Solapur] Respondents.

Mr. Rajaram Deshmukh, Advocate for the Petitioner.

Mrs. R.A. Salunkhe, AGP for Respondent Nos. 1 to 3.

**CORAM: B. R. GAVAI &
N. J. JAMADAR, JJ.**

DATE: 24th January, 2019

ORAL JUDGMENT: (Per B.R. Gavai, J.)

1] Rule. Rule is made returnable forthwith. Heard by consent of parties.

2] The facts in the present case are identical with the facts in a Bunch of Petitions, leading Petition being Writ Petition No.6830 of 2010 decided on 30th September 2010 by Division Bench of this Court. We are therefore inclined to allow this Petition in the following terms.

3] In the result, the Petition is allowed.

The respondents are directed to consider the claim of the Petitioner, in the light of the law laid down by the Division Bench of this Court in the judgment dated 4th November 2009, in the case of Sahebrao Karbhari Gunjal & Others Vs. The State of Maharashtra & others, in Writ Petition No. 1491 of 2001, and decide the same as expeditiously as possible and, in any case, within a period of three months from today. It is further made clear, that if the petitioners are found to be entitled to the payment of higher scale, such payment

shall be made applicable within a period of four weeks from the date of decision of the respondents and the arrears, if any, shall be paid within a period of eight weeks from the date of decision.

4] Rule is made absolute in the aforesaid terms. However, there shall be no order as to costs.

(N.J. JAMADAR, J.)

(B. R. GAVAI, J.)