

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.4528 OF 2019

Shivaji University Teachers' Association ... Petitioners
(SUTA) Through its General Secretary
Dr. Dattatray Nilkanth Patil and Ors.

Versus

The State of Maharashtra and Ors. ... Respondents

WITH

WRIT PETITION NO.5791 OF 2018

Shivaji University Teachers' Association ... Petitioners
(SUTA) Through its President Dr. Raghunath
Hindurao Patil and Ors.

Versus

The State of Maharashtra and Ors. ... Respondents

Mr. C.G. Gavnekar, Advocate for the Petitioners a/w Mr. Ashutosh Gavnekar
in both WPs.

Mr. S.B. Kalel, AGP for Respondent Nos.1 to 4 – State in both WPs.

**CORAM : S.V. GANGAPURWALA &
MADHAV J. JAMDAR, JJ.**

DATED : 30th SEPTEMBER 2022

PC. :

1. We have heard Mr. Gavnekar, learned counsel for the Petitioners. The learned Advocate submits that the members of the Petitioners' Association are getting less salary than their junior similarly situated in all respects. According to him, the senior cannot be paid less salary than the junior similarly situated in all respects. The petitioners seek stepping up of pay as per the chart filed along with the writ petition (Exh.A).

2. We have heard the learned AGP also.
3. It is trite that a senior cannot be paid less than the junior similarly situated in all respects. In that case, the salary of the senior is to be stepped up to that of his junior.
4. In light of the above, we pass the following order :-

ORDER

- (i) Respective Colleges shall forward the proposal for stepping up of the salary of the Petitioners (Exh.A) to the Joint Director of Higher and Technical Education preferably within 8 weeks from the date of receipt of the order;
- (ii) The Joint Director of Higher and Technical Education shall verify the factual matrix and upon arriving at a conclusion that the junior to these Petitioners similar in all respects are paid more salary than the salary of Petitioners then the salary of the petitioners shall be stepped up so as to bring them on par with their juniors similarly placed. The said exercise shall be done preferably within three months from the dates of the receipt of the proposal;
- (iii) Both the Writ Petitions are accordingly disposed of. No costs.

(MADHAV J. JAMDAR, J)

(S.V. GANGAPURWALA, J)