

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 6478 OF 2021

Dr.Bhagwan Sheshrao Deshmukh

..... Petitioner

VERSUS

The State of Maharashtra & Ors.

..... Respondents

Mr.Pritesh K.Bohade for the Petitioner.

Mr.S.R.Ghanavat, i/b. Mr.V.S.Talkute for the Respondent no.5.

Mrs.S.S.Bhende, A.G.P. for the State.

**CORAM : A.S.CHANDURKAR &
G.A.SANAP, JJ.**

DATE : 25TH APRIL, 2022.

P.C:-

Rule. Rule made returnable forthwith. Heard learned counsel for the parties.

2. The petitioner was serving as Associate Professor at the respondent no.5 college which is receiving grant-in-aid from the State Government. It is the case of the petitioner that he has acquired Ph.D. during the course of service and has thereafter received two increments

on that ground. The petitioner however submits that there is a disparity in the pay-scale of the petitioner with that which is paid to his juniors holding the same post. The petitioner therefore seeks stepping up of his pay-scale as is admissible to his juniors. For the said purpose the petitioner seeks to rely upon the decision of this Court in ***Writ Petition No.3774 of 2017*** with connected writ petitions (***Dr.Ugalal Pandit Shinde & Ors. vs. The State of Maharashtra & Ors.***) decided on 9th November, 2017. The petitioner seeks issuance of similar directions as were issued in those writ petitions.

3. An affidavit in reply has been filed by the respondent nos. 1 to 3 denying the claim of the petitioner as made. It is stated that the petitioner has already received two increments on acquiring Ph.D. and is not entitled to any further relief.

4. We find that the grievance of the petitioner can be redressed by following a similar course as was followed in ***Dr.Ugalal Pandit Shinde & Ors.*** (supra). Hence, for the reasons recorded in that judgment, the following directions are issued :-

(a) The petitioner, through the respondent no.5 college shall submit a proposal for grant of appropriate pay-scale as well as for arrears in accordance with the Judgment of the Division Bench of this Court (Bench at Aurangabad) dated 21/11/2013 passed in Writ Petition No.10283 of 2012 alongwith companion Writ Petitions within a period of two months from today.

(b) On receipt of such proposal, the competent authority - respondent no.3 shall consider the same in accordance with law in the light of the decision referred to hereinabove. If the petitioner is entitled to such relief, the respondent nos. 2 and 3 shall pay the petitioner the arrears within a period of two months from the date of adjudication of the proposal. The petitioner's pension would be re-determined on the basis of his revised pay-scale as directed hereinabove within a period of one month from

such adjudication.

5. Writ petition is disposed of with aforesaid directions. Rule is made absolute with no order as to costs.

[G.A.SANAP, J.]

[A.S.CHANDURKAR, J.]