

Digitally
signed by
TRUSHA
TUSHAR
MOHITE
Date:
2022.07.22
10:31:49
+0530

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION NO.1961 OF 2021

Dr.Suvarna T. Rawal

..... Petitioner

Vs.

The State of Maharashtra and Ors.

..... Respondents

Mr. Yashodeep Deshmukh for the Petitioner

Ms.P.H.Kantharia, G.P. for the State

Mr. Harshit Kabali and Mr.Noomaan Coatwala i/b Mr.Rayyna Nasir
for the Respondent nos.4 and 5

**CORAM: S.V. GANGAPURWALA &
SANDEEP V. MARNE, JJ.**

DATED : JULY 20, 2022

P.C.

1 The Petitioner seeks stepping up of the pay scale. It is the contention of the Petitioner that Petitioner is Senior and a Junior Assistant Professor possessing similar qualification and similarly placed is receiving more salary. Petitioner seeks stepping up of the pay scale so as to be on par with the pay scale accorded to his Junior.

2 The learned counsel for the institution submits that institution

has forwarded the proposal to the Joint Director of Higher Education for stepping up of the pay scale of the Petitioner in October, 2020. The same is rejected only on the ground that the judgment referred to of the High Court by the Higher Education applies to the Petitioner therein.

3 In the judgment the law is laid down by this court. The authority is supposed to consider the ratio laid down in the said judgment. The authority is required to consider the other aspects of the matter such as the qualification possessed by the Petitioner and his Junior. So also, whether the Petitioner and his Junior are similar in all aspects.

4 In light of that, the impugned communication is quashed and set aside. The Joint Director of Higher Education shall re-consider the proposal submitted for stepping up of the pay scale of the Petitioner on its own merits considering the judgment delivered by this court and the ratio laid therein same shall be decided afresh preferably within four months.

5 Writ Petition is disposed of. No costs.

(SANDEEP V. MARNE, J.)

(S.V. GANGAPURWALA, J.)