

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH : NAGPUR.

WRIT PETITION NO. 4541 OF 2021

Nisha w/o Ashok Kalambe
(Ku.Nisha Fanindra Manapure)
Aged about 57 years, Occ. Service,
R/o. 68-A, Pande Layout, Khamla Road,
Nagpur.

..PETITIONER

VERSUS

1. State of Maharashtra, through its Secretary,
Department of Higher and Technical Education,
Mantralaya, Mumbai-400 032
2. The Director of Higher Education,
Maharashtra State, Central Building,
Pune-01
3. The Joint Director of Higher Education,
Nagpur Division, Nagpur.
4. Indira Gandhi Arts and commerce College,
Kalmeshwar, District Nagpur,
through its Principal..

..RESPONDENTS

Shri S.S.Bhalerao, Advocate for petitioner.
Shri N.R.Patil, Assistant Government Pleader for respondent nos. 1 to 3.

CORAM :- A.S.CHANDURKAR AND URMILA JOSHI-PHALKE, JJ.
DATE :- JULY 06, 2022

ORAL JUDGMENT (PER A.S.CHANDURKAR, J.)

Rule. Rule made returnable forthwith and heard the learned
counsel for the parties.

2. The petitioner seeks stepping up of her pay-scale as that of her juniors. The petitioner has obtained qualifications of M.A. M.Phil and she was awarded Ph.D. on 05.08.2002. It is her case that lecturers junior to her in service and who acquired Ph.D. after 01.01.2006 have received three additional increments while the petitioner has received only two increments. The learned counsel for the petitioner submits that this issue has been considered by this Court in Writ Petition No. 10283 of 2012 (*Sudamrao K.Aher and ors vs. The State of Maharashtra and ors.*) with connected writ petitions decided on 21.11.2013 at the Aurangabad Bench and that judgment has been subsequently followed in Writ Petition No.4628 of 2013 (*Dr.Shripad Anandrao Sonegaonkar vs. State of Maharashtra and others.*) decided on 27.01.2014. In the later judgment the Court has observed as under:

“The anomaly has arisen because the juniors who got Ph.D. after 01.01.2006 got three additional increments, while the petitioner who secured that Ph.D. prior to that date got only two such increments, that too of Rs.420/-. Because of wage revision and increase in number of increments to be released, the total salary of juniors has increased and it exceeds roughly by Rs.9,000/- per month.

It is apparent that the incentives were given to petitioner as also his juniors, but in the process the juniors are getting a substantial sum more every month than the petitioner. In this situation, it is necessary to step up the wages of petitioner to equate

it with the wages being paid to his juniors after 01.01.2006.

Accordingly, following the Division Bench judgment at Aurangabad in case of Sudamrao Keshawrao Aher and others vs. State of Maharashtra (supra), respondent nos. 1 and 2 are directed to compute the amounts consequentially becoming payable to the petitioner within a period of three months from today and to release the same to the petitioner within a further period of two months.

With these directions, Writ Petition is disposed of. No costs.

3. We find that the petitioner is similarly situated with the petitioners in the aforesaid writ petitions. Hence for the reasons recorded in the case of *Sudamrao K.Aher and ors (supra)*, the following order is passed:

The respondents are directed to compute the amounts payable to the petitioner in accordance with the judgment and order passed by the Division Bench of Aurangabad Bench in Writ Petition No.10283 of 2012 and release the said amount to the petitioner. The same shall be done within a period of two months.

Rule is made absolute in aforesaid terms with no order as to costs.

(URMILA JOSHI-PHALKE, J.)

(A.S.CHANDURKAR, J.)