

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

**WRIT PETITION NO. 2377 of 2021**

Dr.Pramod s/o Asaramji Wadate  
Aged about 50 years, Occupation-Service.  
R/o. Plot No.40/41, Sakshi Manish Gruh Nirman Society,  
Dabha, Adegaon, Ta. & Dist. Nagpur.

..... **PETITIONER**

**...VERSUS...**

- 1] The State of Maharashtra,  
through its Principal Secretary, Higher and  
Technical Education Department,  
Mantralaya, Mumbai – 32.
- 2] The Joint Director of Higher Education,  
Nagpur Division, Nagpur.
- 3] Bar. S. Wankhede Mahavidyalaya,  
At Mopha, through its Principal, Nagpur.  
Ta. and District Nagpur.

..... **RESPONDENTS**

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Shri Ashifaque I. Sheikh, Advocate for petitioner.  
Ms H.N.Jaipurkar, Assistant Government Pleader for respondent nos. 1 & 2.  
None for respondent no.3 though served.  
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CORAM : A.S.CHANDURKAR and SMT. M.S.JAWALKAR, JJ.  
DATE : 12<sup>th</sup> APRIL, 2022.

**JUDGMENT** (Per A.S.CHANDURKAR, J.)

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

2. The learned counsel for the parties state that the issue involved in this case was also involved in several writ petitions that were decided by the Aurangabad Bench

of the Bombay High Court by the judgment dated 21.11.2013. It is stated that in the bunch of writ petitions bearing Writ Petition No.10283 of 2012 (*Sudamrao Keshawrao Aher and ors vs. The State of Maharashtra and others*) with connected writ petition, the Aurangabad Bench had directed the respondents to re-fix the salary of the petitioners therein so as to bring it at par with the higher salary of the juniors. It was held by the Aurangabad Bench in the said judgment that the teachers could not have been discriminated only because the junior teacher had acquired Ph.D. Degree after the coming into force of the Sixth Pay Commission Recommendations. The learned counsel for the respondents agree that similar relief needs to be granted in favour of the petitioner herein.

3. Hence for the reasons recorded in the judgment dated 21.11.2013 in Writ Petition No.10283 of 2012 with connected writ petition, this writ petition is also allowed. The respondents are directed to compute the amount payable to the petitioner in accordance with the judgment dated 21.11.2013 and release the difference in salary to the petitioner within a period of three months.

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

**(SMT. M.S.JAWALKAR, J.)**

**(A.S.CHANDURKAR, J.)**

*Andurkar..*