

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

...

WRIT PETITION NO. 4775/2021

* Dr. Beena w/o Vinod Rathi
Maiden Name : Miss Beena Zanwar ..**Petitioner**

versus

1) State of Maharashtra and others ..**Respondents**

.....
Mr. Ram Heda, Advocate for petitioner
Mr. A.M.Deshpande, AGP for Respondents 1 to 3
Mr. S.S.Ghate, Advocate for Respondent 4
.....

CORAM: ROHIT B.DEO &
ANIL L.PANSARE, JJ.
DATED : 12th August, 2022.

P.C. :

At the outset, the learned AGP appearing on behalf of the respondents 1 to 3 seeks time to file reply. However, we have carefully gone through the draft reply handed over during the course of arguments.

2. By means of this petition, the petitioner is seeking *inter alia*, the following substantive prayers:-

“(i) To hold and declare that petitioner is entitled for step up of her pay to an amount equal to the pay in pay band as fixed for her junior (Dr. Balapatre) after acquisition of Ph.D. w.e.f. date of promotion of the junior teacher i.e. 12.07.2010.”

(ii) By holding so, direct the respondents to compute the amounts payable to the petitioner including arrears and interest accrued thereon and release the said amount to her within a stipulated time frame.

3. The issue involved in the petition relates to step up of pay of the petitioner to the level of junior employees drawing higher salary than the petitioner on the count that the junior employees have acquired Ph.D. degree after coming into force the Sixth Pay Commission recommendations.

4. In an identical matter, the coordinate Bench of this Court at Aurangabad, in Writ Petition No.10283/2012 (Sudamrao Aher and others vs. The State of Maharashtra and others) with connected Writ Petition No.888/2013, has held that petitioners therein are entitled for the step up pay. Accordingly, the petitions were allowed with directions that the respondents to take necessary action to step up the pay of the petitioners so as to be at par with juniors where all the things given are the same and shall not discriminate only because the junior teacher has acquired Ph.D degree in the course of 6th Pay Commission.

5. In another matter, the coordinate Bench at Nagpur, in

Writ Petition No.6733/2015 where an identical issue was involved, taking aid of the judgment passed by the Aurangabad Bench (*supra*), allowed the petition.

6. We find no reason whatsoever to take a different view in the matter.

7. Hence, for the reasons recorded in the judgment dated 21/11/2013 in Writ Petition No.10283 of 2012 and others, this writ petition is also allowed. The respondents are directed to compute the amount payable to the petitioners in accordance with the judgment dated 21/11/2013 and release the difference in salary to the petitioners within a period of three months. Order accordingly. No costs.

[ANIL L.PANSARE, J.]

[ROHIT B. DEO, J.]

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