

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

NAGPUR BENCH : NAGPUR

WRIT PETITION NO.229/2022

Moreshwar Kewalram Badwaik
and others

... Petitioner

- Versus -

The State of Maharashtra
and another

... Respondents

Mr. P.S. Kshirsagar, Advocate for Petitioners.

Ms. Shamasi Haider, Assistant Government Pleader for
Respondent No.1.

Ms. M.P. Munshi, Advocate for Respondent No.2.

CORAM : NITIN JAMDAR AND
ANIL L. PANSARE, JJ.

DATE : 11 APRIL 2022

P.C. :

The Petitioners have sought following relief:-

“i) *Direct the Chief Executive Officer,
Zilla Parishad, Gondia to pay the salary as per
the subject teacher pay scale i.e.*

38600-122800/- which is made applicable to the petitioners by order dated 18/08/2021 Annexure-7 but not paid actual in monthly salary, as the subject teacher since 27/05/2016 and are entitled as per the Government Circular dated 13/10/2016 Annexure-6 as per their qualifications.”

2. The learned Counsel for Zilla Parishad states that amount as sought for by the Petitioners has not been paid because there is a challenge to their entitlement by another set of teachers in Writ Petition No.3952/2021. The learned Counsel for Zilla Parishad states that there are around 1030 posts of subject teachers out of which one third will be entitled to higher pay scale sought by the Petitioners. The learned Counsel for Zilla Parishad states that since number of employees is large and since there is a challenge to the Petitioners entitlement by another set of teachers, out of precaution, the amount is not being released though the Petitioners are appointed on the said pay scale and are working.

3. As regards the apprehension of the Zilla Parishad is concerned, the same can be taken care of if the Petitioners give an undertaking giving permission to the Zilla Parishad to recover the amount if it is found that the Petitioners were not entitled to it in the challenge raised by other set of teachers in Writ Petition No.3952/2022. The undertaking which should be on affidavit

should also permit the Zilla Parishad to adjust the recovery in future pay.

4. The learned Counsel for Zilla Parishad states as and when such individual affidavits are received, the amount claimed by the Petitioners will be released subject to the outcome of Writ Petition No.3952/2022.

5. The learned Counsel for the Petitioners states that Petitioners are agreeable to this course of action and would submit the undertakings on affidavit to the Respondent-Zilla Parishad. The affidavit should be sworn before the Court officer and not before Notary.

6. In light of this position, it is not necessary to keep writ petition pending, the same is accordingly disposed of as above.

(ANIL L. PANSARE, J.)

(NITIN JAMDAR, J.)