

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

WRIT PETITION NO.122 OF 2020

Dr. Avinash Ramrao Nagpure,
Aged about 52 years, Occupation-Service
R/o. 25 Utkarsha Gruhnirman Society,
Dabha bypass Road, Nagpur.

..... **PETITIONER**

...VERSUS...

1. The State of Maharashtra,
through its Secretary, Higher and Technical
Education Department, Mantralaya,
Mumbai-32.
2. The Joint Director of Higher Education,
Nagpur Division, Nagpur.
3. Jawaharlal Nehru Arts, Commerce and
Science College, Wadi,
through its Principal, Wadi, Nagpur-440 023.

..... **RESPONDENTS**

Shri A.I.Sheikh, Advocate for petitioner.
Shri N.R.Patil, Assistant Government Pleader for respondent nos. 1 & 2.
None for respondent no.3.

CORAM :- A.S.CHANDURKAR AND URMILA JOSHI-PHALKE, JJ.
DATE :- JULY 20, 2022.

ORAL 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 from receipt of copy of the judgment.

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

(URMILA JOSHI-PHALKE, J.)

(A.S.CHANDURKAR, J.)