

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

WRIT PETITION NO. 1417 of 2019

Rajendra Shriram Buddewar, Aged about 41 years,
Occ. Service, R/o. Ward no.6, Near Sai Mandir,
Gadchandur, Tah. Korpana, Dist. Chandrapur..... **PETITIONER.**

Versus.

1. The State of Maharashtra, through its Secretary,
Social Welfare Department, Mantralaya,
Mumbai-32.
2. The Director, Vimukta Jati, Nomadic Tribes,
Other Backward Classes and Special Backward
Class Welfare, Maharashtra, Pune.
3. Divisional Social Welfare Officer,
Nagpur.
4. The District Social Welfare Officer,
Chandrapur, Dist. Chandrapur. **..RESPONDENTS.**

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Shri B.M.Dafle, Advocate for petitioner.
Shri A.S.Fulzele, Additional Government Pleader for respondents.

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

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

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

2. The petitioner was appointed as 'Assistant Teacher' on 09.07.2001 and thereafter on 05.02.2003 he was appointed as 'Hostel Superintendent'. It is his grievance that he has not been paid salary as per higher grade and selection grade that is payable to a Hostel Superintendent in view of the Government Resolution dated 18.09.2000 alongwith Corrigendum dated 03.04.2007.

3. On 13.09.2022 the following order was passed:

"It is submitted by the learned counsel for the petitioner that issue raised in the present writ petition is covered by the earlier decisions of this Court as well as the order passed in Writ Petition No. 2156/2017 (Purushottam R.Selote and ors. Vs. The State of Maharashtra and ors.) decided on 05.03.2018.

The learned Additional Government Pleader for the respondents to verify the same and make a statement accordingly on the next date.

Stand over to 20.09.2022."

4. Today, the learned Additional Government Pleader for the respondents submits that since the petitioner is a graduate, he could be treated as trained 'Hostel Superintendent' in view of the order dated 05.03.2018 passed by this Court in Writ Petition No.2156 of 2017 (*Purushottam R.Selote and others Vs. The State of Maharashtra and others*). We find that this Court in various decisions has held that Hostel Superintendents possessing

qualifications of HSC have to be treated as trained 'Hostel Superintendents'. In the present case, the petitioner is a graduate and hence he is entitled to similar treatment.

5. In view of aforesaid and for the reasons contained in Writ Petition No.2156/2017, it is held that the petitioner is entitled to the pay-scale as admissible to a trained 'Hostel Superintendent' from 05.02.2003 which is his initial date of appointment. The respondent nos. 3 and 4 shall accordingly take necessary steps to re-fix the pay-scale of the petitioner within a period of four weeks of receiving the copy of this judgment. Thereafter the respondents shall take further necessary steps to pay arrears to the petitioner in accordance with the fixation at the earliest.

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

(URMILA JOSHI-PHALKE, J.)

(A.S.CHANDURKAR, J.)

Andurkar..