

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 9774 OF 2023

- | | |
|-------------------------|-----------------|
| 1. Patil Pramod Atmaram | |
| 2. Satish Magan Thakare | |
| 3. Bagul Nandu Uttam | ... Petitioners |

Versus

- | | |
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| 1. The State of Maharashtra,
Through its Secretary,
General Administration Department, Mumbai. | |
| 2. The Secretary,
School Education and Sports Department, Mumbai. | |
| 3. The Director of Education,
Maharashtra State, Pune. | |
| 4. The Dy. Director of Education,
Nashik Division, Nashik. | |
| 5. The Education Officer, (Secondary),
Zilla Parishad, Ahmednagar. | ... Respondents |

...

Advocate for Petitioners : Mr. Balaji Shinde S.

AGP for Respondents : Mr. S.G. Sangale

...

**CORAM : MANGESH S. PATIL &
SHAILESH P. BRAHME, JJ.**

DATE : 08 AUGUST 2023.

PER COURT :

.. In this petition, the identically placed petitioners have put forth

prayer clauses (B), (C) and (D), which read as under :

“B) This Honorable Court, by issuing writ of mandamus or appropriate writ, order, directions in the like nature, kindly direct the respondents to grant the benefit of promotional scale/One step pay scale (Ekstar) from the date of postings in tribal area till the petitioners working in the Tribal/PESA, as per G.R. dated 06.08.2002, and also directed to pay arrears of salaries on the basis of One-step pay scale till date.

C) This Honorable Court, by issuing appropriate writ, order, directions in the like nature, kindly hold and declare that G.R. dated 14.08.2018 issued by respondent no.2, to the extent of restricting and refusing the benefits of one step pay scale to the petitioners, though they are working in Tribal/PESA area as it is discriminatory and violative to article 14 of Constitution of India and against the G.R. dated 06.08.2002 and same may kindly be quash and set aside.

D) Pending the hearing and final disposal of this writ petition, kindly direct the respondents to pay the salaries of the petitioners as per one step pay scale as per G.R. dated 06.08.2002.”

2. We have considered the submissions of the learned Advocates for the respective sides and have perused the series of orders passed by this Court in favour of similarly situated petitioners, which have been annexed to the petition.

3. We do not find any such circumstances, which would convince us to take a different view.

4. The learned advocates representing the respective parties clearly state that the order passed by this Court at the Principal Seat in Writ Petition No.8824/2021 dated 12/12/2021, is applicable to all these cases.

5. In view of the above, this Writ Petition is allowed in the following terms :

- (i) The impugned action of recovery initiated by the respondents is quashed and set aside.
- (ii) The Education Officer (Secondary), Zilla Parishad, Ahmednagar – Respondent No.5 shall scrutinize the records of all these petitioners and the places, at which they are deployed for performing their duties, within a period of eight weeks.
- (iii) Those cases, which do not suffer from any legal impediment after verification, shall be cleared by respondent no.5 and the salary benefits, to which they are entitled to, in the light of the one-step pay-scale made available to the employees working in the tribal and PESA areas, shall be paid, along with their arrears, as well as their current salaries, within a period of four weeks thereafter.
- (iv) After scrutiny, if any of these petitioners, on the basis of their records, are found to be ineligible respondent no.5, would issue notices to each of such petitioners, so as to enable them to appear and address him.
- (v) After such hearing, which shall be completed within four months from today, respondent no.5 shall pass appropriate orders and grant benefits of one-step pay-scale to those candidates, who are found to be eligible.

- (vi) Those petitioners, who suffer adverse orders after the above stated exercise is completed, would be at liberty to avail of a statutory remedy, as is permissible in law.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]

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