

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.9591 OF 2019

Shri Prakash T. Kadam .. Petitioner.
v/s.
The President/Secretary
Adivasi Shikshan Sanstha, Pune
& Others .. Respondents.

Smt. Kumud Bhatia, for the Petitioner.
Mr. S.L. Babar, AGP for Respondent-State.
Mr. Shirish V. Pitre, for Respondent No.1.

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**CORAM: A.S.CHANDURKAR &
FIRDOSH P. POONIWALLA, JJ.**
DATE : 1st DECEMBER, 2023.

PC:-

Heard.

It is submitted by the learned Counsel for the Petitioner as well as learned Counsel for Respondent No.1 that similarly situated employees have been granted benefits of graduate pay scale from the date of their initial appointments. Reference in that regard is made to the order passed by the Hon'ble Supreme Court in Civil Appeal Nos.5180-5181 of 2016 dated 13th May, 2016 – Bhangale Aasaram Laxman v.s Secretary/ President, Adivasi Shikshan Prasarak Sanstha and Others.

2 We find on a perusal of the order passed by the Hon'ble Supreme Court on 13th May, 2016 that similarly situated Assistant Teachers engaged by the same management have been found entitled to receive graduate pay scale from the date of their initial appointment. On this ground , the Petitioner's case requires re-consideration.

3 In view of the aforesaid, the following order is passed:-

- (i) Respondent No.3 – Education Officer (Secondary) shall re-consider the order dated 6th May, 2009 (page 43 of the Writ Petition) by which the benefits of graduate pay scale has been granted to the Petitioner from 1st December, 1999 which is subsequent to his initial date of appointment. The Education Officer (Secondary) shall in accordance with the aforesaid judgment of the Hon'ble Supreme Court, take a fresh decision in so far as the Petitioner is concerned and consider his entitlement to graduate pay scale from the date of his appointment which is 20th July, 1995;
- (ii) Necessary decision in this regard be taken within a period of six weeks from the receipt of the copy of this order;
- (iii) If the Petitioner is found entitled to such benefits, the same shall be extended to him in accordance with law within a period of six weeks of such decision.

5 Writ Petition disposed of in the aforesaid terms.

(FIRDOSH P POONTWALLA,J.)

(A.S. CHANDURKAR,J.)