

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

SMITA
RAJNIKANT
JOSHI

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WRIT PETITION NO.11011 OF 2023

1	Hemraj Ghansham Barapatre	]
2	Devidas Jaysing Rathod	]
3	Jayram Mansiram Hadas	]
4	Balu Laxman Jire	]
5	Yogesh Dadaji Thakare	]
6	Nandu Ramdas Mahale	]
7	Rajesh Arjun Bhoje	]
8	Yogita Laxman Gavit	]
9	Jivalal Laxman Gaikwad	]
10	Sarala Motiram Bhoje	]
11	Ranjana Balu Bacchav	]
12	Vilas Jagannath Dhulekar	]
13	Ramdas Bandu Jopale	]
14	Shital Maharua Gavali	]
15	Maheshkumar Pralhad Shirode	]
16	Harishchandra Nivrutti Gangode	]
17	Pallavi Jijabrao Patil	]
18	Kiran Suklal Jagtap	]
19	Sapna Sayaji Ahire	]
20	Babita Dattu Patil	]
21	Manisha Ananda Bhamare	]
22	Dipali Ramesh Jopale	]
23	Prakash Kashinath Pawar	]
24	Gitanjali Kisan Malekar	]
25	Sandhya Pandit Bhoje	]
26	Gayatri Ambadas Raut	]
27	Punam Asaram Pawar	]
28	Durvadas Laxman Gaikwad	]
29	Vandana Yadav Raut	]
30	Yogita Rajaram Shelar	]
31	Meenaj Hafijulla Pathan	]
32	Suvarna Bajirao Khadtale	]
33	Nivrutti Sitaram Bharsat	]
34	Tai Prabhakar Waghare	]
35	Shilpa Ramchandra Chothave	]
36	Prashant Dashrath Unhavane	]

37	Pratibha Shankar Wagh	]
38	Sunil Ramkisan Karad	]
39	Yogita Balakdas Bairagi	]
40	Kusum Tukaram Gaiakwad	]
41	Harishchandra Ramu Gavit	]
42	Raju Vitthal Bagul	]
43	Kirti Kishor Bairagi	]
44	Bhagwan Laxman Mahale	]
45	Jagan Govind Khutade	]
46	Navnath Ziparu Shinde	]
47	Yogita Mohan Gawande	]
48	Rupali Gangadhar Gavali	]
49	Vitthal Tukaram Lahare	]
50	Pandu Manju Maule	]
51	Kalidas Shivram Gavit	]
52	Purnanand Haridas Gavit	]
53	Tejman Atmaram Avtar	]
54	Ravina Siddhaling Vishvekar	]
55	Sangita Gajendra Shede	]
56	Nayana Nanaji Wagh	]
57	Madhav Laxman Chaudhari	]
58	Lalita Vasant Sabale	]
59	Pandu Pundlik Chaure	]
60	Mangala Ramdas Mahale	]
61	Vaishali Bhaskar Jagtap	]
62	Ravindra Nivrutti Gaikwad	]
63	Mahendra Laxman Jadhav	]
64	Hira Chander Gangode	]
65	Yogesh Shantaram More	]
66	Kailas Mohan Thepane	]
67	Vilas Namdev Jadhav	]
68	Yogesh Subhash Patil	]
69	Rakesh Gokul Chaure	]
70	Nurun Tayyaba Wasseem Sheikh	]
71	Ravindra Pundlik Unhavane	]
72	Manisha Ramesh Salunke	]
73	Ashok Sitaram Khade	]
74	Laxman Maruti Khadake	]
75	Shivaji Tukaram Bhagat	]
76	Dnyaneshwar Vitthal Gabhale	]
77	Sharad Hanumant Dagale	]

78	Aruna Chitaman Gavit	]	
79	Rakesh Dadaji Patil	]	
80	Bebi Waman Bhoye	]	
81	Kishor Santosh Khairnar	]	
82	Ganesh Pandurang Palve	]	
	all Petitioners' occupation – Ass. Teacher	]	
	and all Petitioners' District- Nashik.	]	.. Petitioners.
	v/s.		
1	The State of Maharashtra	]	
	through the Secretary	]	
	Tribal Development Department,	]	
	Mantralaya, Mumbai 400 032.	]	
2	The Secretary	]	
	Rural Development Department,	]	
	Mantralaya, Mumbai 400 032.	]	
3	The Secretary	]	
	General Administration Department	]	
	Mantralaya, Mumbai 400 032.	]	
4	The Secretary	]	
	Finance Department, Mantralaya,	]	
	Mumbai 400 032.	]	
5	The Divisional Commissioner	]	
	Nashik Division, Nashik .	]	
6	The Chief Executive Officer	]	
	Zilla Parishad, Nashik	]	
7	The Education Officer (Pri.)	]	
	Zilla Parishad, Nashik.	]	.. Respondents.

Mr. V. S. Tadke with Mr. Balaji Shinde, for the Petitioners.

Mr. S. L. Babar, AGP for Respondent Nos. 1 to 5.

Mr. A. R. Kapadnis, for Respondent No.6.

**CORAM: A.S.CHANDURKAR &
FIRDOSH P. POONIWALLA, JJ.
DATE : 11th DECEMBER, 2023.**

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

RULE. Rule made returnable forthwith and heard finally by consent of the parties.

2 The Petitioners are discharging their duties as members of teaching staff in various schools situated in the tribal area. They claim entitlement to the benefit of one-step-pay-scale under the Government Resolution dated 6th August, 2002. It is their grievance that they are being deprived of these benefits without assigning any reasons. Further, the payments made to them earlier in that regard are also sought to be recovered by the Chief Executive Officer, Zilla Parishad, Nashik.

3 After hearing learned Counsel for the parties, we find that this issue has been considered and decided in Writ Petition No. 4713 of 2022 (Ashok Babanrao Anerao & Others v/s. The State of Maharashtra & Others) decided on 21st April, 2022. In that view of the matter, the following order would serve the ends of justice:-

- (a) Petitioners are permitted to make fresh representation to the Chief Executive Officer, Zilla Parishad, Nashik and seek benefit of one-step-pay-scale as per Government Resolution dated 6th August, 2002. Such representation shall be made by them within a period of two weeks from receiving of copy this order;
- (b) Within a further period of six weeks of receiving of such representation, the Chief Executive Officer, Zilla Parishad, Nashik shall decide the same after hearing the Petitioners. It would be open for the Petitioners to raise the grievance against the proposed recovery of any alleged excess payments made to them. The decision taken on the representation be communicated to the Petitioners.
- (c) Needless to state that if the Petitioners are aggrieved by such decision, they are free to take legal steps in that regard in

accordance with law.

4 Rule made absolute on the aforesaid terms with no order as to costs.

(FIRDOSH P POONTIWALLA,J.)

(A.S. CHANDURKAR,J.)