

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR**

WRIT PETITION NO. 994 OF 2023

Dr. Tapan Netaichandra Dutta : Petitioner/s

vs.

The State of Maharashtra & others : Respondent/s

Mr. A. I. Sheikh, Advocate for petitioner.

Mr. S. M. Ghodeswar, AGP for respondent Nos.1 and 2.

**CORAM : S. V. GANGAPURWALA, ACJ AND
ANIL S. KILOR, J.**

DATE : 13th FEBRUARY, 2023

P.C. :

The petitioner seeks stepping up of the pay scale. According to the learned counsel for the petitioner, an employee, namely, Dr.Mrs.K.R.Boratkhar, who is similarly situated in all respect to that of the petitioner and junior to him, is drawing higher pay scale. The petitioner seeks stepping up of the pay scale.

2. The learned counsel submits that the petitioner approached the Joint Director of Higher Education for stepping up of the pay scale, but no action has been taken on it as yet.

3. The learned AGP appears for respondent Nos.1 and 2.

4. It is trite that a junior similarly situated in all respects, cannot draw more salary than the senior. The petitioner has already approached respondent No.2 by filing his representation/application. In case such an application(page 124) is pending with the respondent No.2, then respondent No.2 shall consider the factual matrix by calling for the record from respondent No.3 and if respondent No.2 is convinced that said Dr.Mrs.K.R.Boratkarn is similar to the petitioner in all respects and is junior to him, then shall take a decision for stepping up of pay scale/the salary on its own merits in accordance with law, preferably within six months from today.

5. Writ Petition is accordingly disposed of. No costs.

[ANIL S. KILOR J.]

[ACTING CHIEF JUSTICE]