

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

WRIT PETITION NO. 5013 OF 2022

Shila Trimbakrao Bopte,
Aged about 57 years,
Occupation – Service,
R/o Sonala, Tahsil – Sangrampur,
District – Buldhana.

.... **PETITIONER**

VERSUS

- 1) The State of Maharashtra,
through its Secretary, Education
Department, Mantralaya, Mumbai-32.
- 2) Deputy Director of Education,
Amravati Division, Amravati.
- 3) Zilla Parishad, Buldhana,
thorough its Chief Executive Officer,
District – Buldhana.
- 4) Education Officer (Primary),
Zilla Parishad, Buldhana, District -
Buldhana.

.... **RESPONDENTS**

Mr. M.V. Bute, Counsel for the petitioner,
Mr. M.K. Pathan, AGP for respondents 1 and 2,
Mr. B.N. Jaipurkar, Counsel for respondents 3 and 4.

CORAM : ROHIT B. DEO & MRS. VRUSHALI V. JOSHI, JJ.
DATED : 17th MARCH, 2023

ORAL JUDGMENT : (PER : R.B. DEO, J.)

The prayer in the petition reads thus :

“a) direct the respondents to grant higher pay scale in favour of petitioner immediately after completing their 12 years qualifying service from the date of their initial appointments and grant all the consequential benefits in view of Government Resolution dated 16-2-1993 (Annexure-H) by issuing writ of mandamus or any other appropriate writ or direction to the respondents.

b) direct the respondents to decide the representation made by the petitioner dated 04-10-2021 (Annexure-G), forthwith.

c) direct the respondents to grant higher pay scale immediately after completing 12 years qualifying service from the date of initial appointment of petitioner with the retrospective effect.

d) any other suitable and equitable relief may kindly be granted in favour of the petitioner under the facts and circumstances of the present case.”

2. The Zilla Parishad has filed affidavit-in-response dated 06-3-2023 admitting that the petitioner is found entitled to the higher pay scale.

3. We extract the relevant portion of the affidavit-in-response dated 06-3-2023 which reads thus :

“That the petitioner filed the petition seeking direction to answering respondents to grant higher pay scale in favour of petitioner immediately after completing her 12 years qualifying service from the date of her initial appointment and grant all the consequential benefits in view of Government Resolution dated 16-2-1993.

Further, to decide the representation dated 4-10-2021 made by the petitioner.

2. *It is submitted that on verification of the documents and record, it is found that the petitioner is entitled to the higher pay scale as mentioned in the petition and specifically in her representation dated 1-10-2021 (Annexure-G)*

Therefore, steps have already been taken to pay higher pay scale to the petitioner.”

4. In view of the affidavit-in-response, we allow the petition in terms of the prayer clauses (a) to (c) and direct that the consequential steps shall be taken within the next eight weeks.

(Mrs. Vrushali V. Joshi, J.)

(Rohit B. Deo, J.)

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