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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

909 WRIT PETITION NO. 7700 OF 2024

RAMESH BABURAO MALI AND OTHERS

VERSUS

THE STATE OF MAHARASHTRA THROUGH IT'S SECRETARY AND
OTHERS

Ms.M.Y.Mali, Advocate for the Petitioners.

Mr.S.R.Yadav Lonikar, AGP for the Respondent/State.

(CORAM : RAVINDRA V. GHUGE AND
Y.G.KHOBRADE, JJ.)

DATE : JULY 24, 2024

PER COURT :

1. Leave to correct the father's name of Petitioner No.1.
Correction be carried out forthwith.

2. In this Petition, the Petitioners have put forth prayer
clauses B and C, which read as under :-

*"B. The respondent authority may kindly be direct to give/release/
grant the benefits of Ekstar (one step pay scale) from the initial date of
appointment as per GR dated 06.08.2002 as the petitioners are working
in Tribal/PESA/difficult area and direct the respondents to pay the
salary of the petitioners as per the Ekstar (one step pay scale) till the*

petitioners working in Tribal/PESA/difficult area. By issuing writ of mandamus or any other appropriate writ, order or direction as the case may be.

C. The Respondent authority may kindly be direct the resp.No.6 to 8 to pay arrears of salaries of the petitioners as per the Ekstar (one step pay scale) from the initial dates of appointment as they are working in Tribal Area from their appointment till today as per G.R. dated 06.08.2022 issued by the Res.No.1 and further directs not to revoke the benefits of Ekstar (one step pay scale) as per GR dated 06.08.2022 though petitioner entitled for time bound promotion.”

3. We have considered the submissions of the learned Advocate for the Petitioners and the learned A.G.P. for the State Authorities. We have perused the series of orders passed by this Court in favour of similarly situated Petitioners, which have been annexed to the Petition.

4. The learned Advocates representing the respective parties in those cases, (orders which have been annexed to the petitions), have clearly stated that the order passed by this Court at the Principal Seat, in Writ Petition No.8824/2021, dated 21/12/2021, is applicable to all such cases.

5. In view of the above, we do not find any circumstances, which would convince us to take a different view.

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

(i) The Education Officer of the Zilla Parishad shall scrutinize the records of all these Petitioners and the places at which they are deployed for performing their duties, within a period of 30 days.

(ii) Those cases, which are without any legal impediment after verification, shall be cleared by the Education Officer and the salary benefits, to which the Petitioners 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 alongwith arrears as well as their current salaries, within a period of 45 days thereafter.

(iii) After scrutiny, if any of these Petitioners, on the basis of their records, are found to be ineligible, the Education Officer, Zilla Parishad, would issue notices to each of such Petitioners, so as to enable them to appear before the said authority and address

the Education Officer.

(iv) After such hearing, which shall be completed within 90 days, the Zilla Parishad shall pass appropriate orders and grant benefits of one-step pay-scale to those candidates, who are found to be eligible.

(v) 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.

7. We make it clear that if the Model Code of Conduct is introduced, that would not be an impediment for the compliance of this order.

(Y.G.KHOBRADE, J.)

(RAVINDRA V. GHUGE, J.)