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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

908 WRIT PETITION NO. 3165 OF 2021

GOPAL VASANTRAO KULKARNI
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

AND

909 WRIT PETITION NO. 3170 OF 2021

DEVIDAS UDHAVRAO RATHOD
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

AND

910 WRIT PETITION NO. 3173 OF 2021

RAJESH BHASKARRAO KALGUNDE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Mr S. K. Mathpati, Advocate for Petitioners;
Mr R. S. Wani, Mr S. K. Tambe and Mr P. K. Lakhotiya, A.G.Ps.
for Respondent Nos.1 to 6 in respective Petitions
Mr A. S. Deshmukh, Advocate for Respondent Nos.7 & 8 in all
Petitions

**CORAM : RAVINDRA V. GHUGE
AND
Y. G. KHOBRAGADE, JJ.**

DATE : 13th February, 2024

PER COURT:

Order below Writ Petition No.3165/2021

1. The Petitioner in this Writ Petition has putforth prayer clauses (B) and (C), which read as under :-

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“(B) The Resp. No. 3 To 7 may kindly be direct to pay special pay as per Section 56 of M.C.S. (Pay), Rules, 1981 for the additional charge of Class-II Head Master of Secondary School Gazetted for the period of 04.7.2002 to 30.11.2009 & also w.e.f. 21.08.2012 to till today by issuing writ of mandamus or any other appropriate writ, order as the case may be.

(C) The Resp. authority may kindly be direct to grant/sanction pay scale of the Block Education Officer which is equal post of Head Master Secondary (Gazetted & Non Gazetted) in favor of the petitioner for the period of 04.07.2002 to 30.11.2009 & also w.e.f. 21.08.2012 to till today by considering exceptional case (as the petitioner has worked on the said post more than 10 years) if in case they do not want to fill up the said posts by issuing writ of mandamus or any other appropriate writ, order as the case may be.”

2. The Employer of the Petitioner, Respondent Nos.7 and 8/ Zilla Parishad, Parbhani has entered an affidavit-in-reply dated 24/09/2021, through Shri. Trimbak Sidbarao Pole, Group B, Zilla Parishad, Parbhani, wherein it is stated that the proposal of the Petitioner for the Pay, as prescribed under Rule 56 of the Maharashtra Civil Services (Pay) Rules, 1981, has already been forwarded to Respondent No.5/Deputy Director of Education, Aurangabad, with a covering letter dated 28/06/2016. It is set out in paragraph No.7 of the affidavit-in-reply that the Petitioner has

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removed all the objections in the year 2015 and has fulfilled all the requirements. The Deputy Director of Education has also sanctioned the special pay-scales.

3. In view of the above, **this Writ Petition is disposed off**, with a direction to Respondent No.3/Rural Development and Water Conservation Department, to look into the proposal forwarded by the Institution, and pass an appropriate order within a period of 90 days from today. Needless to state, we have not expressed any view on the merits of the claim of the Petitioner and the same may be considered by following the due procedure laid down in law and in the event there is no legal impediment.

**Order below Writ Petition No.3170/2021 and Writ Petition
No.3173/2021**

4. For the reasons recorded above, the case of the two Petitioners in these two Writ Petition can also be considered. It is conceded that the Respondent/Management has still not forwarded the proposals of these two Petitioners.

5. As such, let such proposals of these two Petitioners, complete in all respects, be forwarded within a period of 45 days

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from today, to Respondent No.3. Thereafter, Respondent No.3 would consider the said proposals on their own merits, within a period of 90 days from the date of receipt of the said proposals and in the event, there is no legal impediment. If there are any objections in the proposals, these two Petitioners would render wholehearted co-operation. Needless to state, we have not expressed any view on the merits of the claims of these Petitioners and the same may be considered by following the due procedure laid down in law.

6. With the above directions, **these two Writ Petitions are also disposed off.**

(Y. G. KHOBRADE, J.)

(RAVINDRA V. GHUGE, J.)

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