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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

914 WRIT PETITION NO. 10548 OF 2024

SANJAY JAGANNATH PATIL

VERSUS

THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND
OTHERS

AND

915 WRIT PETITION NO. 10558 OF 2024

DHARMENDRA BALIRAM WAGH AND OTHERS

VERSUS

THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND
OTHERS

AND

916 WRIT PETITION NO. 10560 OF 2024

LELIN CHANDU PADVI AND OTHERS

VERSUS

THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND
OTHERS

AND

917 WRIT PETITION NO. 10561 OF 2024

PANDIT GULABRAO BEDSE AND OTHERS

VERSUS

THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND
OTHERS

AND

918 WRIT PETITION NO. 10562 OF 2024

CHETAN HANSRAJ CHAVAN AND OTHERS

VERSUS

THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND
OTHERS

AND

920 WRIT PETITION NO. 10565 OF 2024

RAJENDRA RAMBHAU KULKARNI AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND
OTHERS
AND
921 WRIT PETITION NO. 10569 OF 2024

ATMARAM NARAYAN SONAWANE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND
OTHERS
AND
922 WRIT PETITION NO. 10573 OF 2024

MANOJ NAROTTAM PATIL AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND
OTHERS
AND
923 WRIT PETITION NO. 10576 OF 2024

BHAGWAN TUKARAM PATIL AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND
OTHERS
AND
924 WRIT PETITION NO. 10577 OF 2024

HARISH DATTARAY VENDAIT AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND
OTHERS
AND
925 WRIT PETITION NO. 10578 OF 2024

LATA KIRAN PATIL AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND
OTHERS
AND

926 WRIT PETITION NO. 10583 OF 2024

SUNITA FARAMJI GAVIT AND OTHERS

VERSUS

THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND
OTHERS

AND

927 WRIT PETITION NO. 10585 OF 2024

VINAY KESHAV GAVIT AND OTHERS

VERSUS

THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND
OTHERS

Ms.Megha Mali, Advocate for the Petitioners.

Mr.A.B.Girase, Government Pleader a/w Mr.S.K.Tambe, Mr.V.M.Kagne,
Mr.N.S.Tekale, Mr.S.R.Wakale, Mr.N.D.Batule, Ms.Neha Kamble, AGPS'
for Respondent/State.

Mr.P.S.Patil, Standing Counsel for the Respondent/Zilla Parishad,
Nandurbar.

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

DATE : SEPTEMBER 26, 2024

PER COURT :

1. In all these matters, the Petitioners are identically placed.
In WP No.10573/2024, leave to correct the description of Respondent
No.6. Correction be carried out forthwith.

2. In all these Petitions, the Petitioners have put forth

identical prayer clauses. For brevity, we are reproducing prayer clause B and C from W.PNo.10548/2024, 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 G.R. dated 06.08.2002 as the Petitioner is working in Tribal / PESA/ difficult area and direct the respondents to pay the salary of the petitioner as per the **Ekstar (one step pay scale)** till the **petitioner 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 Respondent Nos. 6 to 8 to pay arrears of salary of the petitioner as per the Ekstar (one step pay scale) from the initial dates of appointment as he is working in Tribal area from his appointment till today as per G.R. dated 06.08.2022 issued by the Respondent No.1 and further directs not to revoke the benefits of Ekstar (one step pay scale) as per G.R. dated 06.08.2002 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.Ps. 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 these Petitions.

4. The learned Advocate for the Petitioners submits that the

orders annexed to these Writ Petitions are applicable to the present cases. The order dated 21/12/2021, passed at the Principal Seat of this Court, in Writ Petition No.8824/2021, is also applicable to this case. All the A.G.Ps. submit that, 12 years of service, which is reckoned for granting A.C.P.S. benefits, cannot overlap with the working in the PESA areas. According to them, once a candidate gets the benefits of the A.C.P.S. in the form of additional increment, after 12 years, if he/she is in PESA, he/she would be entitled for one single increment as long as the candidate is serving in the PESA.

5. In view of the above, **all these Writ Petitions are 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 along with

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.

6. 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.)