

This order is corrected as per order dated 21.11.2024

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

WRIT PETITION NO. 12243 OF 2024

Gorakshnath Maruti Thorat

VERSUS

The State Of Maharashtra Through The Principal Secretary And
Others

...

Advocate for the Petitioner : Mr. Shelke Shivaji T.

AGP for Respondent/State : Mr. S.K. Tambe

...

**CORAM : S.G. MEHARE AND
SHAILESH P. BRAHME, JJ.**

DATED : NOVEMBER 14, 2024

PER COURT:-

1. Heard learned counsel for the petitioner.
2. Issue notice to the respondents.
3. Learned AGP waives service of notice for respondent nos.1 to 3. Respondent nos. 4 and 5 are formal parties.
4. The petitioner has a case in brief that he has made the representation to the Education Officer/respondent no.3 for his pay re-fixation on 22.02.2024. Learned counsel for the petitioner would submit that clause (8) of the Government Resolution dated 10.06.2005 prohibiting granting such benefit has been declared arbitrary and discriminatory by the Co-ordinate Bench at Nagpur. Therefore, this may not be a ground to refuse the request he made to respondent no.3.

(2)

5. Learned AGP would submit that the view of the Co-ordinate Bench at Nagpur in Shri Suhas s/o Rangraoji More Vs. State of Maharashtra and Others in Writ Petition No.7706 of 2022 would not apply because it would be reopening the old cases.

6. Considering the facts and circumstances of the case, we are not agreeable with the objections raised by the respondent. It is just a prayer for directing respondent no.3 to consider his representation. In view thereof, the petition is partly allowed.

7. Respondent no.3 is directed to consider his request as per the request letter dated 22.02.2024 on merit and strictly as per the law within six weeks from today.

(SHAILESH P. BRAHME, J.)

(S.G. MEHARE, J.)