



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

910 WRIT PETITION NO. 9951 OF 2024

PRABHAKAR DAYARAM GAVALI AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY
AND OTHER

...

Mr. Shrikrishna U. Chaudhari, Advocate for the Petitioners
Mr. N. D. Batule, AGP for the Respondents/State

CORAM : RAVINDRA V. GHUGE &
Y. G. KHOBRAGADE, JJ.

DATE : 10th September, 2024

ORDER:

1. In this Petition, the Petitioners have put forth prayer Clauses
(B) and (C) as under:-

“(B) By issuing Writ of Mandamus or any other appropriate Writ, order or direction as the case may be, the respondent authorities may kindly be directed to give/ release the benefits of Ekstar (one step from the initial date of pay scale) from appointment as per G.R. dated 06.08.2022 as they are working in Tribal/ PESA/difficult area and direct the respondents to pay the salary of the petitioners as per the Ekstar (one step from the initial date of pay scale) till the petitioners working in Tribal/ PESA/difficult area and consequential benefits including arrears.

(C) The Respondent authorities may kindly be direct 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 Resp. No.1 and further direct not to revoke the benefits of Ekstar (one step pay scale) as per G.R. dated 06.08.2022 though the petitioner entitled for time bound promotion.”

2. 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.

3. The learned Advocates representing the respective parties in those cases, (orders which have been annexed to the Petition), 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.

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

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

- (i) The impugned action of recovery initiated by the respondents is quashed and set aside.
- (ii) 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 31 days.

- (iii) 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 four weeks thereafter.
- (iv) 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.
- (v) After such hearing, which shall be completed within 45 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.
- (vi) 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.

(Y. G. KHOBRAGADE, J.)

(RAVINDRA V. GHUGE, J.)