



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

906 WRIT PETITION NO. 12581 OF 2022

MACHINDRANATH PANDITRAO SOLANKE

VERSUS

THE STATE OF MAHARASHTRA THROUGH SECRETARY
AND OTHERS

...

Advocate for the Petitioner : Mr. A.C. Pathan

AGP for Respondents 1 to 4/State : Mr. P.K. Lakhotiya

Advocate for Respondents 5 to 7 : Mr. P.D. Suryawanshi

...

CORAM : RAVINDRA V. GHUGE

&

Y. G. KHOBRAGADE, JJ.

DATE :- 31st January, 2024

Per Court :-

1. On 14.12.2022, this Court has passed the following
order:-

- "1. The petitioner has put forth prayer clauses 'B', 'C' and 'D' as under:-
- "B) This Hon'ble Court may kindly be pleased to quash and set-aside the impugned order dtd. 10/06/2022 issued by respondent No. 5-Chief Executive Officer, Zilla Parishad Beed thereby directing recovery from the salary of petitioner and cancelling the higher pay scale prescribed for Trained Graduate Teacher granted to him.
- C) This Hon'ble Court may kindly be pleased to hold and declare that petitioner is entitled for the benefits of the higher pay scale prescribed for the Trained Graduate Teachers and further be pleased to direct respondents to continue to give the benefits of higher pay scale prescribed for Trained Graduate Teachers to

petitioner which was given by an order dtd.27/06/2014 maintaining his seniority as it was considered in the seniority list published in the year of 2014.

D) Pending hearing and final disposal of the present petition, the respondents may kindly be directed to continue to give the benefits of higher pay scale prescribed for the Trained Graduate Teacher to petitioner and further respondents may kindly be restrained from making recovery from the salary of petitioner on the basis of impugned order dtd. 10/06/2022."

2. It is contended that the petitioner had joined as a Primary Teacher on 22nd July, 1991. After acquiring higher qualifications, he was granted higher pay-scale of a trained graduate teacher by virtue of the Government Resolution dated 11th August, 1999. The petitioner was not personally involved in the revising of his pay fixation. There are no allegations against the petitioner that he has played a fraud. The petitioner has not executed any undertaking declaring that the employer can recover the amount of revised pay-scale from his salary, if it is found to be excess than the approved pay-scale. He relies upon Syed Abdul Qadir and others Vs. State of Bihar and others, 2009(3) SCC 475 and State of Punjab and others Vs. Rafiq Masih (White Washer) etc., (2015) 4 SCC 334 = AIR 2015 SC 696.

3. Issue notice to the respondents, returnable on 30th January, 2023. The learned AGP waives service of notice on behalf of respondent Nos.1 to 4.

4. All office objections to be removed within five weeks.

5. There shall be no further recovery from the petitioner, until further orders."

2. Similar petitions were allowed by this Court vide the order dated 14.12.2023 delivered in Writ Petition No.14892/2023 (*Sudhir Narayan Jadhav vs. The State of Maharashtra and others*) and other connected petitions.

3. In view of the above and for the reasons recorded in the order dated 14.12.2023 (supra), **this Writ Petition is partly allowed** as under:-

(a) The impugned order dated 10.06.2022 is quashed and set aside.

(b) We expect the Committee constituted under the Government Resolution dated 27.06.2022, to submit its recommendations to the Government, on or before 30.06.2024.

(c) The position existing prior to the issuance of the impugned order, is restored. However, being conscious of the fact that the Committee has been constituted by the Government Resolution dated 27.06.2022, any further decision of the Authorities would be subject to the recommendations of the Committee, if accepted and implemented by the State Government.