



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

922 WRIT PETITION NO. 13900 OF 2024

VIRJI APNYA MAVCHI AND OTHERS

VERSUS

**THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY
AND OTHERS**

AND

923 WRIT PETITION NO. 13901 OF 2024

NILESHKUMAR BALUBHAI PRAJAPAT AND OTHERS

VERSUS

**THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY
AND OTHERS**

AND

924 WRIT PETITION NO. 13902 OF 2024

MOHAMMAD AZEEMUDDIN SHAIKH BASHIR AND OTHERS

VERSUS

**THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY
AND OTHERS**

AND

926 WRIT PETITION NO. 13904 OF 2024

MAHEMUD LALA PINJARI AND OTHERS

VERSUS

**THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY
AND OTHERS**

AND

930 WRIT PETITION NO. 13935 OF 2024

RAJENDRA SHIVDAS SAMUDRE AND OTHERS

VERSUS

**THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY
AND OTHERS**

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Advocate for Petitioners in all WP : Ms. Mali Megha Y.
GP for Respondent/s-State in all WP : Mr. A. B. Girase.
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**CORAM : S. G. MEHARE, AND
SHAILESH P. BRAHME, JJ.**

DATE : 19.12.2024

PER COURT :-

1. Heard the respective learned counsels.
2. In all these Petitions, the Petitioners are in employment. They have claimed the benefit of one step pay scale from their initial date of appointment till they were working in tribal area as per the Government Resolution dated 06.08.2002. They have claimed that since they have been working in Tribal/PESA/difficult area, they deserve one step pay scale till they discharge the duties of the above area. They are seeking directions against the respondents to pay the arrears of salaries as per one step pay scale from their initial date of appointment to date.
3. The learned counsel for the petitioners would submit that the petitioners are entitled to one step pay scale as they have been discharging duties in Tribal/PESA/difficult area.

However, they have not been considered. Since they are in employment, they deserve one step pay scale. She further 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 of 2021, is also applicable to these cases.

4. Learned Government Pleader would submit that these are the matters of investigation of record. If the petitioners are entitled to one step pay scale, the inquiry may be made by scrutinizing the record.

5. The Co-ordinate Bench of this Court took a view that the employees working in Tribal/PESA/difficult area are entitled to one step pay scale in view of the Government Resolution dated 06.08.2002. Considering the claims of the petitioners and adopting the earlier view, all the writ petitions allowed in 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 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 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 their grievances.

(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.

(SHAILESH P. BRAHME, J.)

(S. G. MEHARE, J.)

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vmk/-