



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

951 WRIT PETITION NO. 13882 OF 2024
GOPAL BHIMRAO MARATHE AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA THROUGH
ITS SECRETARY AND OTHERS

...

Advocate for the Petitioner :Mrs. Mali Megha y.
AGP for Respondent/State : Mr. S.K.Tambe

...

AND
952 WRIT PETITION NO. 13883 OF 2024
BHAGAWAN BHAVRAO GAWALI
VERSUS
THE STATE OF MAHARASHTRA THROUGH
ITS SECRETARY AND OTHERS

...

Advocate for the Petitioner :Mr. Mali Megha Y.
AGP for Respondent/State : Mr. S.S.Dande

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953 WRIT PETITION NO. 13888 OF 2024
LILADHAR NARAYAN PATIL AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH
ITS SECRETARY AND OTHERS

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Advocate for the Petitioner :Mr. Mali Megha Y.
AGP for Respondent/State : Mr. V.M.Kagane

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954 WRIT PETITION NO. 13889 OF 2024
CHAITRAM KHANDU NERKAR AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA
THROUGH ITS SECRETARY AND OTHERS

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Advocate for the Petitioners :Mr. Mali Megha Y.
AGP for Respondent/State : Mr.N.S.Tekale

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955 WRIT PETITION NO. 13890 OF 2024
NIMESH VISHNUPANT SURYAVANSHI AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA
THROUGH SECRETARY AND OTHER

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Advocate for the Petitioners : Mr. Chaudhari Krishna Uddhav
AGP for Respondent/State : Mr.S.P.Joshi

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957 WRIT PETITION NO. 13892 OF 2024
BHARAT DINKAR GANGURDE AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA
THROUGH ITS SECRETARY AND OTHERS

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Advocate for the Petitioners :Mr. Mali Megha Y.
AGP for Respondent/State : Mr.PS.Patil

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958 WRIT PETITION NO. 13893 OF 2024
AJIT AMRUT KHAIRNAR AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA
THROUGH ITS SECRETARY AND OTHERS

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Advocate for the Petitioners :Mr. Mali Megha Y.
Addl.GP for Respondent/State : Mr.A.S.Shinde

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959 WRIT PETITION NO. 13894 OF 2024
VALMIK SAKHARAM WAGH AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA
THROUGH ITS SECRETARY AND OTHERS

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Advocate for the Petitioners :Mr. Mali Megha Y.
AGP for Respondent/State : Mr.S.R.Yadav-Lonikar

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960 WRIT PETITION NO. 13895 OF 2024
BHAIKAS NIMBA KUWAR

VERSUS

THE STATE OF MAHARASHTRA
THROUGH ITS SECRETARY AND OTHERS

.....
Advocate for the Petitioner :Mr. Mali Megha Y.
AGP for Respondent/State : Mr.S.S.Dande

...
961 WRIT PETITION NO. 13896 OF 2024
RAMAN KESHAV KOLI AND OTHERS

VERSUS

THE STATE OF MAHARASHTRA
THROUGH ITS SECRETARY AND OTHERS

...
Advocate for the Petitioners :Mr. Mali Megha Y.
AGP for Respondent/State : Mr.V.M.Kagane

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962 WRIT PETITION NO. 13897 OF 2024
SHARAD KESHAVRAO AHIRRAO AND OTHERS
VERSUS

THE STATE OF MAHARASHTRA
THROUGH ITS SECRETARY AND OTHERS

.....
Advocate for the Petitioners :Mr. Mali Megha Y.
AGP for Respondent/State : Mr. N.S.Tekale

...
964 WRIT PETITION NO. 13899 OF 2024
HIMMAT UTTAMRAO PAGARE

VERSUS

THE STATE OF MAHARASHTRA
THROUGH ITS SECRETARY AND OTHERS

.....
Advocate for the Petitioners :Mr. Mali Megha Y.
Addl.GP for Respondent/State : Mr. S.K.Tambe

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

DATE : 18th DECEMBER 2024

PER COURT :

. In all these petitions, the petitioners were working in the tribal area. They are claiming benefits of one step pay scale from the initial date of pay scale as per Government Resolution dated 06.08.2002. They are superannuated.

2. 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.

3. 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. 8824/2024, is also applicable to this case. All the A.G.Ps. Submit that, 12 years of service, which is reckoned for granting A.C.PS. benefits, cannot overlap with the working the PESA area. According to them, once a candidate gets the benefits of the A.C.PS 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.

4. 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/retiral benefits, to which the Petitioners are entitled to, in the light of 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 said exercise is completed, would be at liberty to avail of a statutory remedy, as is permissible in law.

(vi) Their pensionary benefits would be recalculated if they are held to be eligible for the one step increment/pay scale.

[SHAILESH P. BRAHME, J.]

[S. G. MEHARE, J.]

vsj