

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

WRIT PETITION NO. 12066 OF 2016

Mrs. Ashwini P. Paranjape. ... Petitioner.
V/s.
The Deputy Director, Secondary Education
Mumbai and others. ... Respondents.

Ms. Leena Patil for the Petitioner.
Ms. Pooja Joshi-Deshpande, AGP for Respondent Nos. 1 to 4.

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CORAM : NITIN JAMDAR, AND
M.M. SATHAYE, JJ.

DATE : 3 April 2024.

P.C. :

The Petitioner is working as Librarian with Respondent No.5- Management and has filed this petition seeking direction to the Respondents to give pay scale of 1400-2600 with effect from 1 July 1994 and subsequent revision of payment scales as per the recommendations of the 5th and 6th Pay Commissions.

2. Reliance of the Petitioner is on the order passed by the Division Bench of this Court in the case of *Shobhu Shankar Chavan v. The Director Education (Secondary Higher Secondary) Maharashtra State*¹. The learned counsel for the Petitioner pointed out that there were contrary views on the subject matter and the

¹ Writ Petition No.1622/2000 decided on 19 July 2004.

question was referred to the Full Bench of this Court. The Full Bench in *Dhiraj s/o Manoharrao Chore v. State of Maharashtra*², considered the issue whether the Librarian appointed in the secondary school or the junior college are entitled to pay scale of 1400-2300 or 1400-2600 as admissible to the trained teachers. The Full Bench observed that the Librarian, even if he has higher qualification than the minimum prescribed in Schedule B to the Maharashtra Employees of Private Schools (Conditions of Service) Rules, 1981 would not be entitled to pay scale of 1400-2600 but would be entitled to pay scale of 1400-2300. In view of the decision of the Full Bench, the relief as sought for by the Petitioner cannot be granted.

3. We grant liberty to the Petitioner to make a representation to the concerned authorities based on the law laid down by the Full Bench in the case of *Dhiraj s/o Manoharrao Chore*. If the application/ representation is made by the Petitioner, the Respondent authorities will take necessary steps thereupon and release the benefits to the Petitioner as admissible as per the governing Rules and the law laid down by the Full Bench, within a period of eight weeks thereafter, subject to urgent public duties.

4. Writ petition is accordingly disposed of.

(M.M. SATHAYE, J.)

(NITIN JAMDAR, J.)

² Writ Petition No.3494/2016 and others decided on 19 December 2019