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

931 WRIT PETITION NO. 1318 OF 2025

1. HEMLATA RAVINDRA MARATHE
2. SUNITA GANESH PATIL
3. RAKESHKUMAR DANGAL PATIL

VERSUS

1. THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY,
TRIBAL DEVELOPMENT DEPARTMENT
2. THE STATE OF MAHARASHTRA, THROUGH ITS SECRETARY,
RURAL DEVELOPMENT DEPARTMENT
3. THE STATE OF MAHARASHTRA, THROUGH ITS SECRETARY,
GENERAL ADMINISTRATION DEPARTMENT
4. THE STATE OF MAHARASHTRA, THROUGH ITS SECRETARY,
FINANCE DEPARTMENT
5. THE DIVISIONAL DEPUTY DIRECTOR OF EDUCATION, NASHIK
6. THE EDUCATION OFFICER (PRIMARY), ZILLA PARISHAD,
NANDURBAR
7. THE PAY SUPERINTENDENT (VETAN ADHISHAK), PAY
DEPARTMENT, NANDURBAR
8. THE ACCOUNTS OFFICER (PRIMARY), ACCOUNT DEPARTMENT
OFFICE, NANDURBAR

AND

938 WRIT PETITION NO. 1325 OF 2025

1. MAHESH RAMESH PATIL
2. MANISHA NATHU BHADANE
3. YOGITA BHAGWAN PATIL
4. MADHURI ARJUN CHITTE

VERSUS

1. THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY,
TRIBAL DEVELOPMENT DEPARTMENT
2. THE STATE OF MAHARASHTRA, THROUGH ITS SECRETARY,
RURAL DEVELOPMENT DEPARTMENT
3. THE STATE OF MAHARASHTRA, THROUGH ITS SECRETARY,
GENERAL ADMINISTRATION DEPARTMENT
4. THE STATE OF MAHARASHTRA, THROUGH ITS SECRETARY,
FINANCE DEPARTMENT
5. THE DIVISIONAL DEPUTY DIRECTOR OF EDUCATION, NASHIK
6. THE EDUCATION OFFICER (PRIMARY), ZILLA PARISHAD,
NANDURBAR

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7. THE PAY SUPERINTENDENT (VETAN ADHISHAK), PAY
DEPARTMENT, NANDURBAR
8. THE ACCOUNTS OFFICER (PRIMARY), ACCOUNT DEPARTMENT
OFFICE, NANDURBAR

AND

940 WRIT PETITION NO. 1327 OF 2025

1. SEEMA MADAN PATIL
2. YOGITA MADHAV PATIL
3. PRADEEP SAHEBRAO SHINDE

VERSUS

1. THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY,
TRIBAL DEVELOPMENT DEPARTMENT
2. THE STATE OF MAHARASHTRA, THROUGH ITS SECRETARY,
RURAL DEVELOPMENT DEPARTMENT
3. THE STATE OF MAHARASHTRA, THROUGH ITS SECRETARY,
GENERAL ADMINISTRATION DEPARTMENT
4. THE STATE OF MAHARASHTRA, THROUGH ITS SECRETARY,
FINANCE DEPARTMENT
5. THE DIVISIONAL DEPUTY DIRECTOR OF EDUCATION, NASHIK
6. THE EDUCATION OFFICER (PRIMARY), ZILLA PARISHAD,
NANDURBAR
7. THE PAY SUPERINTENDENT (VETAN ADHISHAK), PAY
DEPARTMENT, NANDURBAR
8. THE ACCOUNTS OFFICER (PRIMARY), ACCOUNT DEPARTMENT
OFFICE, NANDURBAR

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Ms Megha Y. Mali, Advocate for petitioners in all petitions
Mr A. V. Lavte and Mr S. V. Hange, A.G.Ps. for respondents/State in
respective petitions
Mr P. S. Patil, Advocate for respondent No.6 in all petitions

CORAM : MANGESH S. PATIL

AND

PRAFULLA S. KHUBALKAR, JJ.

DATE : 28th January, 2025

PER COURT:

1. In all these Petitions, the Petitioners have put forth identical prayer clauses (B) and (C). Prayer Clauses (B) and (C) in first Writ Petition i.e. Writ Petition No.1318/2025, read as under :-

"B. The resp. authority may kindly be direct to give/release the benefits of Ekstar (one step pay scale) from the initial date of appointment to till they working in Tribal area to the petitioners as per G.R. dated 06.08.2002 as they are working in Tribal/PESA/difficult area though they are granted the benefit of 12 continuous service & also direct the respondents to pay the salary of the petitioners as per the Ekstar (one step pay scale) till the petitioners working in Tribal/PESA/difficult area. By issuing writ of mandamus or any other appropriate writ, order or direction as the case may be.

C. The Respondent authority 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 to till they are working in Tribal Area as per G.R. dated 06.08.2002 issued by the Resp. No.1 as they are working in tribal Area & further directs not to revoke/recover the benefits of Ekstar (one step pay scale) as per G.R. dated 06.08.2002 though petitioners granted/entitled for time bound promotion."

2. We have considered the submissions of the learned advocate for the Petitioners, learned A.G.Ps. for the State Authorities and learned advocate for respondent No.6. We have perused the series of orders passed by this Court in favour of similarly situated petitioners, which have been annexed to these Petitions.

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3. The learned advocate for the petitioners submits that the orders annexed to these Writ Petitions are applicable to the present cases. The order passed at the Principal seat of this Court, dated 21/12/2021 in Writ Petition No.8824/2021, is also applicable to these cases. The learned A.G.Ps. submit that, 12 years of service, which is reckoned for granting A.C.P.S. benefits, cannot overlap with the working in the PESA areas. According to them, once a candidate gets the benefits of the A.C.P.S. 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 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

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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 it.

(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.

(PRAFULLA S. KHUBALKAR, J.) (MANGESH S. PATIL, J.)

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