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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.14725 OF 2017

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| 1. | Pawankumar Tamdu Patil
Age – 43 years, Occ – Service
R/o At Post : Gidhade, Taluka – Shirpur
District – Dhule | PETITIONERS |
| 2. | Vikas Bhagwan Suryawanshi
Age – 33 years, Occ – Service,
R/o Shivaji Colony, Plot No. 73,
Deopur, Dhule, Taluka & District – Dhule | |
| 3. | Radheshyam Uttamrao Patil
Age – 41 years, Occ – Service,
R/o At Post Nagaon,
Taluka & District – Dhule | |
| 4. | Yogesh Sahebrao Patil
Age – 37 years, Occ – Service,
R/o Raver, Taluka & District – Dhule | |
| 5. | Pralhad Sukdeo More
Age – 46 years, Occ – Service,
R/o G.T.P. Colony, Deopur
Dhule, Taluka and District – Dhule | |
| 6. | Bharatsingh Kisansing Rajput
Age – 50 years, Occ – Service,
R/o Jai Ganga Housing Society,
Rawal Nagar, Dondaicha,
Taluka – Shindkheda, District – Dhule | |
| 7. | Santosh Pundalik Buwa (Gosavi)
Age – 44 years, Occ – Service,
R/o At Post Malpur, Taluka-Shindkheda
District – Dhule | |
| 8. | Smt. Prabhawati Barku Jadhav
Age – 45 years, Occ -Service
R/o Shindkheda, Taluka – Shindkheda
District – Dhule | |

9. Smt. Sunita Bansilal Shevale
Age – 39 years, Occ – Service
R/o Anuja Society, Walwadi,
Taluka and District – Dhule
10. Sau Bhatabai Dayaram Kuwar
Age – 46 years, Occ – Service
R/o Deomogra Society, Walwadi,
Taluka and District – Dhule
11. Smt. Ranjana Madhav Chavan
Age – 44 years, Occ – Service
R/o At Post Deur (Bk),
Taluka and District – Dhule
12. Kiran Narayan Nerkar
Age – 37 years, Occ – Service
R/o At Post Deur (Bk)
Taluka and District- Dhule
13. Mahendra Bhatu Sonawane
Age – 38 years, Occ – Service
R/o At Post Akkalpada,
Taluka – Sakri, District – Dhule
14. Kiran Prakash Deore
Age – 37 years, Occ – Service
R/o Parola Road, Dhule
Taluka and District – Dhule
15. Uttam Manglya Gawali
Age - 55 years, Occ – Service
R/o Gondur Road, Deopur Dhule
Taluka and District – Dhule
16. Mukesh Balwant Pimple,
Age – 40 years, Occ – Service
R/o Gopalpura, Dondaicha,
Taluka – Shindkheda, District – Dhule
17. Gunilal Resla Pawra
Age – 37 years, Occ – Service,
R/o Joyda, Post - Sangvi
Taluka – Shirpur, District – Dhule

18. Bhaurao Namdeorao Desle
Age – 52 years, Occ – Service,
R/o At Post Jogshelu,
Taluka – Shindkheda,
District - Dhule

VERSUS

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|----|--|-------------|
| 1. | The State of Maharashtra
Through Chief Secretary,
Social Justice and Special Help Department,
Mantralaya, Mumbai – 32 | RESPONDENTS |
| 2. | The Commissioner / Director
Social Welfare Department,
Maharashtra State, Pune | |
| 3. | The Divisional Deputy Commissioner,
Social Welfare Department,
Nashik Division, Nashik | |
| 4. | The District Social Welfare Officer,
Zilla Parishad, Dhule | |

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Mr. Ajay D. Pawar, Advocate for the Petitioners
Mrs. V. P. Dama, AGP for Respondent - State

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WITH
WRIT PETITION NO.14852 OF 2017

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| 1. | Smt. Nivedita Shankarrao Potadar
Age – 43 years, Occ – Service
R/o Kasturba Gandhi Kanya Chhatralaya
Navapur, District – Nandurbar | PETITIONERS |
| 2. | Smt. Seva Jalamsing Gavit
Age – 46 years, Occ – Service,
R/o Jijamata Kanya Chhatralaya,
Navapur, Taluka & District – Nandurbar | |
| 3. | Smt. Sindhu Jatya Gavit | |

Age – 49 years, Occ – Service,
R/o Indira Gandhi Adivasi Kanya Chhatralaya
Visarwadi, Taluka Navapur, District – Nandurbar

4. Jitendra Himmat Patil
Age – 32 years, Occ – Service,
R/o Sane Guruji Boys Hostel,
15, Hariom Nagar Nalwa Road,
Nandurbar, District - Nandurbar
5. Rajendra Namdeo Kulkarni
Age – 55 years, Occ – Service,
R/o Shri Supabai Adivase Chhatralaya, Raikhed
Taluka – Shahada, District - Nandurbar
6. Yuvraj Makkan Patel
Age – 37 years, Occ – Service,
R/o Pujya Sane Guruji Chhatralaya,
Bamkheda, Taluka – Shahada,
District - Nandurbar
7. Harishchandra Motilal Somwanshi,
Age – 44 years, Occ – Service,
R/o Jaind Chhatralaya Navapur
District - Nandurbar
8. Laxmikant Prabhakar Joshi
Age – 48 years, Occ -Service
R/o At Post Kanyai, Taluka – Shahada
District - Nandurbar
9. Sanjay Vitthal Patil
Age – 48 years, Occ – Service
R/o Mohiniraj Nagar, Plot No. 16,
Jijamata College Road, Nandurbar
10. Motilal Bhagwan Patil
Age – 49 years, Occ – Service
R/o Rajiv Gandhi Chhatralaya, Tikhora
Taluka – Shahada, District - Nandurbar
11. Vishwanath Govind Patil
Age – 50 years, Occ – Service
R/o Gorkshnath Chhatralaya Tikhora,
Taluka – Shahad, District - Nandurbar

12. Chandrakant Manilal Patil
Age – 34 years, Occ – Service
R/o Satpuda Chhatralaya, Mahsawad
Taluka – Shahada, District - Nandurbar
13. Smt. Pramila Babulal Choure
Age – 39 years, Occ – Service
R/o Indira Gandhi Adivasi Kanya Chhatrlaya
Tilali Shanimandal,
Taluka and District - Nandurbar

VERSUS

1. The State of Maharashtra
Through Chief Secretary,
Social Justice and Special Help Department,
Mantralaya, Mumbai – 32
 2. The Commissioner / Director
Social Welfare Department,
Maharashtra State, Pune
 3. The Divisional Deputy Commissioner,
Social Welfare Department,
Nashik Division, Nashik
 4. The District Social Welfare Officer,
Zilla Parishad, Nandurbar
- RESPONDENTS

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Mr. Ajay D. Pawar, Advocate for the Petitioners
Mrs. V. P. Dama, AGP for Respondent - State
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**[CORAM : NITIN B. SURYAWANSHI, &
VAISHALI PATIL-JADHAV, J. J.]**

DATE : 26th NOVEMBER, 2025

ORAL JUDGMENT (PER NITIN B. SURYAWANSHI, J.) :

1. Rule. Rule is made returnable forthwith. Heard finally with
the consent of the learned Advocates for the Parties.

2. By these Petitions, filed under Article 226 of the Constitution of India, the Petitioners seek regular pay scale to the Hostel Superintendents working in aided residential hostels.

3. The Petitioners are working as Hostel Superintendents in the aided hostels run for residential purpose of SC, ST, NT and OBC category students under private managements. All the Petitioners are appointed during the period between 1st June, 2000 and 1st December, 2011. Services of the Petitioners are approved by the District Social Welfare Officer – Respondent No.4. At the time of their appointments, in the year 2004, the honorarium was Rs.3,000/-. From time to time, the same is increased and now they are getting Rs.10,000/- per month honorarium.

4. It is the case of the Petitioners that, Hostel Superintendents working in the Government run Ashram Schools, under the Social Welfare and Tribal Development Departments, are getting pay scale of Rs.5000 to 20200 with grade pay of Rs.2,400/- plus Dearness Allowance @ 165%, HRA 10% and Travelling Allowance and as such, they are getting salary of Rs.30,000/- to 32,000/- per month. Whereas, the petitioners are getting fixed honorarium of Rs.10,000/- only.

5. The Petitioners claim that nature of the work and responsibilities of the Hostel Superintendents like the Petitioners and the Hostel Superintendents working in Ashram Schools run by the Government Departments are the same. In fact they are exactly identical. But the Petitioners are made to work on a very meager honorarium. The Petitioners, therefore, claim regular pay scale at par with the Hostel Superintendents working under the Government Departments. In support of their case, the Petitioners have relied on following judgments :

- i. *“Dhirendra Chamoli V/s State of Uttar Pradesh” 1986 (1) SCC 637*
- ii. *“Chandigarh Administration and Others V/s Rajni Vali (Mrs) and Others” (2000) 2 SCC 42*
- iii. *“State of Punjab V/s Jagjit Singh and Others” 2016 AIR (SC) 5176*
- iv. *“State of Punjab V/s Senior Vocational Staff Masters Association and Others” 2017 AIR (SC) 4072*
- v. *“Sabha Shankar Dube V/s Divisional Forest Officer and Others” 2019 AIR (SCW) 220*
- vi. *Writ Petition No. 4300 of 2021 dated 2nd November, 2022 (Swabhimani Shikshak Va Shikshaketa Sanghatana Maharashtra Rajya V/s State of Maha and Others)*

6. The State has opposed the Petitions by filing affidavit in

reply. Contention of the Petitioners that they are discharging identical duties and responsibilities like that of the Hostel Superintendents working in the hostels run by the Government Departments, is not disputed. It is stated that the scheme of aided hostels itself suggests that it is only on grant in aid basis. The recognition given to start hostels is only on the basis of grant in aid. It is further stated that it is the responsibility of voluntary institutions to pay regular pay scale to the Petitioners. As per policy of the Government, honorarium is being paid to the employees of the voluntary institutions. The Institutions, where the Petitioners are working, are voluntary organizations and they are supposed to release funds by obtaining donations and government grant. The scheme of grant in aid hostel is implemented in the State of Maharashtra by Government Resolution dated 16th March, 1998. As per the scheme of the Government, the voluntary institutions are eligible to get minimum amount of grant in aid which is less in between monthly honorarium of Rs.600/- of full-time Superintendent or 50% of the expenditure made by the voluntary organizations on the salary of the Superintendents. The Government, from time to time, increased the honorarium. The respective departments i.e. Tribal Development Department and Social Welfare Department have their independent policies under which they

have given pay scales to the Hostel Superintendents working under them and there is no existing policy to apply regular pay scales to the post of Hostel Superintendents working in the aided hostels. Therefore, the grievance of the Petitioners is totally misconceived and unfounded and deserves to be rejected.

7. The Petitioners have filed rejoinder and placed on record copies of Government Resolutions dated 5th February, 2000, 3rd June, 2008 and Government Resolution dated 5th February, 2011, by which 8 Hostel Superintendents working in the Hostels run by the Social Welfare Department, are given pay scale of Rs.5000-8000.

8. We have heard learned Advocate for the Petitioners and learned AGP at length.

9. We have given thoughtful consideration to the arguments advanced before us. Perused the Memos of the Writ Petitions, reply filed by the State as well as the rejoinder and the citations relied on by the Petitioners.

10. Claim of the Petitioners is based on the principle of equal pay for equal work. The law on the point of the principle of equal pay for equal work is well settled by the Apex Court in "**Jagjit Singh**" (*supra*). It is reiterated by the Apex Court in "**Sabha**

Shankar Dube” (supra) in which it is held :

“10. The issue that was considered by this Court in Jagjit Singh (supra) is whether temporary employees (daily wage employees, ad hoc appointees, employees appointed on casual basis, contractual employees and likewise) are entitled to the minimum of the regular pay scales on account of their performing the same duties which are discharged by those engaged on regular basis against the sanctioned posts. After considering several judgments including the judgments of this Court in Tilak Raj (sura) and Surjit Singh (supra) this Court held that temporary employees are entitled to draw wages at the minimum of the pay scales which are applicable to the regular employees holding the same post.

11. In view of the judgment in Jagjit Singh (supra), we are unable to uphold the view of the High Court that the Appellants – herein are not entitled to be paid the minimum of the pay scales. We are not called upon to adjudicate on the rights of the Appellants relating to the regularization of their services. We are concerned only with the principle laid down by this Court initially in Putti Lal (supra) relating to persons who are similarly situated to the Appellants and later affirmed in Jagjit Singh (supra) that temporary employees are entitled to minimum of the pay scales as long as they continue in service.”

11. Both these judgments are followed by this Court in Writ Petition No. 4300 of 2021. That was case of watchmen / security guards appointed in aided Ashram Schools run by private managements, who were seeking regular pay scale at par with those working in Government Ashram Schools. This Court passed a reasoned order by relying on the judgments of the Supreme Court and allowed the Petition observing that:

“Considering sound exposition of law on principle of equal pay for equal work to temporary employees in Jagjit Sing (supra), we have no hesitation in holding that the Petitioners are required to be

granted minimum pay in the payscale admissible for the post of Watchmen / Security Guards / Multi Tasking Staff engaged in government Ashram Schools. The monetary benefits arising out of extension of payscale are, however, required to be restricted to three years prior to the date of filing of the Petitions.”

12. In view of the admitted facts, the ratio in **"Jagjit Singh"** and **"Sabha Shankar Dube"** (supra) and reasons recorded in the decision rendered in Writ Petition No.4300 of 2021, the Writ Petitions are allowed. The Respondents are directed to pay the Petitioners the wages at the minimum pay scale admissible to the post of Hostel Superintendents engaged in Government Ashram Schools.

13. The monetary benefits arising out of the extension of pay scale is however, restricted to 3 years prior to the filing of the present Writ Petitions i.e. prior to three years from 16th August, 2017. Needless to state that, the Petitioners are entitled for Dearness Allowance on the minimum pay scale admissible to them. The pecuniary benefits be extended to the Petitioners within 12 weeks from the date of uploading of this judgment. Rule is made absolute in the above terms with no order as to costs.

[VAISHALI PATIL-JADHAV]
JUDGE

[NITIN B. SURYAWANSHI]
JUDGE