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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.17139 OF 2024

Mala Mahesh Khanna .. Petitioner
Vs.
Higher Technical Education
Department, Mantralaya, Mumbai & Ors. .. Respondents

...

Ms. Medha Jondhale with Mr. Anand Jondhale, Ms. Rajnandini Jondhale, Mr. Harshvardhan Shinde, Advocates for the Petitioner.

Mr. K. S. Thorat 'B' Panel Advocate for the Respondent Nos.1 to 3 and 6-State.

Mr. Girish Paryani, Advocate for the Respondent No.4-University of Mumbai.

Mr. Susheel Mahadeshwar i/by Ms. Ranjana Jodankar, Advocates for the Respondent No.5.

...

**CORAM : SHREE CHANDRASHEKHAR &
MANJUSHA DESHPANDE, JJ**

DATE : 11TH AUGUST 2025.

P.C. :

The petitioner has made the following prayers in this writ petition:-

- a) To allow Petition with cost to be paid to the Petitioner;*
- b) This Hon'ble Court graciously be please to issue order, direction/writ directing the respondents to step up and release the pay at par along with arrears with the junior assoc. professor, by name Dr. Asha J. Rao and another junior assoc. professor Dr. Manisha Trivedi along with interest and retirement benefits also with interest to the petitioner;*
- c) Direct the Respondent No.5 to implement the VII Pay Commission Salary as mandated in the para 24(2) of the GR dated 08.03.2019 issued by Respondent No.1 after stepping up or rectifying the Pay Parity with the aforementioned two junior teachers;*
- d) Issue any writ, order or direction and thereby direct to take*

action against the guilty Respondent Officers for harassing a senior citizen and not following the procedure as prescribed by law and willfully neglecting the representations made by the Petitioner;

e) A compensation of Rs.1 Crore may be granted to the petitioner for mental harassment, mental agony and cost of litigation and violation of fundamental rights guaranteed under Article 14 and 21 of the Constitution of India.

f) Any other relief as this Hon'ble Court may deem fit."

2. Ms. Medha Jondhale, the learned counsel for the petitioner states on instructions that this writ petition may be confined only to the prayer seeking stepping up of the pay-scale of the petitioner at par with Dr. Asha J. Rao who came in service at a later stage. The learned counsel for the petitioner refers to the decision in "*Gurcharan Singh Grewal and Anr. versus Punjab State Electricity Board and Ors.*" AIR Online 2009 SC 433 dated 9th January 2009 and in "*Kalpna Ashok Agrawal vs. The State of Maharashtra and Ors.*" 2024:BHC-Aug:1287-DB to submit that denial of equal salary to the petitioner what was given to her junior violates the Constitutional provisions under Articles 14, 16 and 39(d).

3. The submission made at the Bar is that a Government employee cannot be paid salary and other allowances less than what is given to her junior.

4. The claim of the petitioner is based on her date of appointment i.e. 18th July 1988. According to the petitioner, Dr. Asha J. Rao was appointed in Bhavan's College on 22nd September 1988. The learned counsel for the petitioner referred to section 174 of Uniform Statutes framed under the Maharashtra Public Universities Act, 2016 which lays down the seniority of the teachers. It is provided therein that seniority of the teachers working in the college or recognised

institutions shall be determined on the basis of the date of joining the duty under the same category. But this is not in dispute that Dr. Asha J. Rao had acquired Ph.D degree on 21st March 1992 whereas the petitioner was conferred with such degree on 13th July 2002. Before the petitioner was given senior scale on 18th July 1996 on completion of eight years of service, Dr. Asha J. Rao had already been given such benefit on 22nd September 1993, and she was placed in senior scale as per the recommendation of the 4th Pay Fixation GR on the basis of Ph.D degree acquired by her. The difference in the services of the petitioner and Dr. Asha J. Rao is further drawn inasmuch as the petitioner could get senior scale only on completion of eight years of service. At this stage itself, we intend to indicate that the plea raised on behalf of the petitioner that a senior cannot be given lesser salary than her junior cannot be accepted in the face of the aforesaid facts. At page 29, vide Exhibit-C, the petitioner has produced the minutes of the meeting which further indicates that the basic pay drawn by the petitioner as on 1st January 1996 was Rs.8,275/- in the pay-scale of 8000-275-13500. Whereas, Dr. Asha J. Rao was in the pay-scale of 1000-325-15200 and she was getting salary of Rs. 10,000/-. Even the date of placement of the petitioner in selection grade was later than Dr. Asha J. Rao who was placed in selection grade on 27th July 1998; the petitioner was given selection grade on 18th July 1999. We further find that on all subsequent dates Dr. Asha J. Rao was getting more salary and she was placed in a better pay-scale compared to the petitioner. The decisions in *“Sudamrao Keshawrao Aher”* and *“Kalpana Ashok Agrawal”* pertain to award of Ph.D degree by a senior who gets two increments thereon as paid to his junior. From the decision in *“Kalpana Ashok Agrawal”*, it becomes clear that the grievance raised

before this Court was as to the difference in pay-scale only on account of acquisition of Ph.D degree by the senior at a later point of time and consequential denial of increments. Whereas, this is admitted by the petitioner in rejoinder affidavit that on acquiring Ph.D degree on 13th July 2002 she was paid two non-compoundable advance increments.

5. In that view of the matter, we do not find any ground to interfere in this matter and Writ Petition No.17139 of 2024 is dismissed.

[MANJUSHA DESHPANDE, J.] [SHREE CHANDRASHEKHAR, J.]