

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION  
WRIT PETITION NO. 2124 OF 2025

Pravin S/o Rahunath Baviskar & Ors. ...Petitioners

*Versus*

The State of Maharashtra & Ors. ...Respondents

Ms. Megha Mali, Advocate for the Petitioners.

Mr. V.G. Badgujar, AGP for the Respondent/State.

CORAM : RAVINDRA V. GHUGE  
&  
ASHWIN D. BHOBE, JJ.

DATE : 13<sup>th</sup> FEBRUARY, 2025

**P.C. :-**

1. In this Petition, the Petitioners have put forth Prayer

Clauses (B) and (C), which read as under :-

*“B. The resp. authority may kindly be direct to give/release the benefits of Ekstar (one step pay scale) to the petitioners from the initial date of appointment to till they working in Tribal area as per Government Resolution dated 06.08.2002 as they are working in Tribal/PESA/difficult area thought 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.*

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*C. The Respondent authority may kindly be direct to pay the arrears of salary 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 working in tribal/PESA 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 and the learned AGP 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 this Petition.

3. The learned Advocate for the Petitioners submits that the orders annexed to this Writ Petition are applicable to the present case. The order passed at the Principal Seat of this Court, dated 21<sup>st</sup> December, 2021 in Writ Petition No.8824/2021, is also applicable to this case.

4. The learned AGP submits 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 him, 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.

5. In view of the above, this **Writ Petition is 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 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 stated exercise is completed, would be at liberty to avail of a statutory remedy, as is permissible in law.

**(ASHWIN D. BHOBE, J.)**

**(RAVINDRA V. GHUGE, J.)**