

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

WRIT PETITION NO. 5877 OF 2025

Surendranath Madhukar Dusane & Ors. ... Petitioners

Versus

The State of Maharashtra & Ors. ... Respondents.

Mr. Ashwin R. Kapadnis i/b. Mr. Balaji Shinde, Advocate for the
Petitioners.

Mr. Abhishek Bhadang, AGP for Respondent Nos. 1 to 6/State.

**CORAM : RAVINDRA V. GHUGE AND
ASHWIN D. BHOBE, JJ.**

DATE : 30th APRIL, 2025

P.C. :

1. All these Petitioners are identically placed and are covered by the order dated 26th March, 2025, passed in Writ Petition No. 4229 of 2025 and other group of Petitions (*Sampat Shankar Pelmahale & Ors. V/s. The State of Maharashtra & Ors.*). All these Petitioners are also seeking the benefit of the promotional scale/one-step up pay-scale (Ek Sthar) from the date of their postings in the Tribal/PESA areas, till they continue to work in the said areas, as per the Government Resolutions dated 6th August, 2002 and 29th February, 2024.

2. We have considered the submissions of the learned Advocates for the respective sides and we have perused the series of orders passed by this Court in favour of similarly situated Petitioners, which have been annexed to the Petitions.

3. In view of the above, we do not find any such circumstances, which would convince us to take a different view.

4. The learned Advocates representing the respective parties in those cases (orders which have been annexed to the Petitions), have clearly stated that the order passed by this Court at the Principal Seat, in Writ Petition No. 8824 of 2021 (*Hiralal Jagannath Bawa and others vs. The State of Maharashtra and others*), dated 21st December, 2021, is applicable to all such cases.

5. In view of the above, this **Writ Petition is allowed** in the following terms:-

- i. Respondent No.5/The Education Officer (Secondary), Zilla Parishad Palghar, shall scrutinize the records of these Petitioners and the places at which they are deployed for performing their duties, within a period of 30 days from today, considering the

Government Resolution dated 29th February, 2024.

ii. The cases which have no legal impediment after verification, shall be cleared by Respondent No.5 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 to them along with arrears as well as their current salary, within a period of 30 days, thereafter.

iii. After scrutiny, if the Petitioners, on the basis of their record, are found to be ineligible, Respondent No.5, would issue notice to the Petitioners, so as to enable them to appear before the said authority and address it.

iv. After such hearing, which shall be completed within 120 days, Respondent No.5 shall pass an appropriate order and grant benefits of one-step up pay-scale to those candidates, who are found to be eligible.

v. The Petitioners, who may suffer an adverse order after the above stated exercise is completed, shall be at liberty to avail of a

statutory remedy, as is permissible in law and in the light of the Government Resolution dated 29th February, 2024 issued by the General Administration Department.

(ASHWIN D. BHOBE, J.)

(RAVINDRA V. GHUGE, J.)