HUSENBASHA RAHAMAN NADAF
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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 8901 OF 2025

Dattatreya Uttamrao Nikam And Ors. ...Petitioners
Versus
The State Of Maharashtra
Through the Secretary,
General Administration Department,
Mantralaya, Mumbai And Ors. ...Respondents

Mr. Ashwin R. Kapadnis, Advocate i/b. Mr. Balaji Shinde, for Petitioners.
Mr. O.A. Chandurkar, Addl. GP a/w. Ms. P.N. Diwan, AGP for Respondent/State.

CORAM : RAVINDRA V. GHUGE &
M.M. SATHAYE, JJ.

DATE : 3rd JULY, 2025

P.C. :-

1. These identically placed Petitioners have put forth identical prayer clauses (B) and (C), which read as under:-

> *"[B] This Honorable Court, by issuing writ of mandamus or appropriate writ, order, directions in the like nature, kindly direct the respondents, to grant the benefit of promotional scale/One-step pay scale (Ekstar) from the date of postings in tribal area till the petitioners working in the Tribal/PESA,* ***as per G. R. dated 06.08.2002, and G.R. dated 29.02.2024 and as per judgments of this Court,*** *and also directed to*

pay arrears of salaries as per One-step pay scale.

[C] This Honorable Court, by issuing appropriate writ, order, directions in the like nature, kindly issue similar directions issued in judgments annexed at ***Exhibit-D*** *for making scrutiny and verification against respondent Education Officer for grant of benefits of one step pay scale to the petitioners as per G. R. dtd 06.08.2002 and 29.02.2024."*

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 dated 21.12.2021, 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), 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 Nashik, 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 29.02.2024.

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 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 29.02.2024 issued by the General Administration Department.

(M.M. SATHAYE, J.) (RAVINDRA V. GHUGE, J.)