

rajshree

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL WRIT PETITION NO.9241 OF 2025

1. Upadhye Vijay Rambilas,
Age : 60 years, Occu : Retired,
R/o. Flat No.602-B, Shantiniketan Apartment,
Govindnagar, Dist. Nashik.
2. Mhaske Baburao Damodar,
Age : 68 years, Occu : Retired,
R/o. Bharatpur, Post. Shaha,
Tq. Sinnar, Dist. Nashik.
3. Gadhave Shivram Zunga,
Age : 64 years, Occu : Retired,
A/p. Dhamangaon, Tq. Igatpuri,
Dist. Nashik.
4. Dhamane Shamkant Laxman,
Age : 66 years, Occu : Retired,
R/o. Plot NO.11, Sankalp, Khande Mala,
Savta Nagar, CIDCO, Trimurti Chowk,
Nashik.
5. Smt.Dhamane Rajani Shamkant,
Age : 60 years, Occu : Retired,
R/o, Plot NO.11, Sankalp, Khande Mala,
Savta Nagar, CIDCO, Trimurti Chowk,
Nashik.
6. Aher Dadaji Baburao,
Age : 61 years, Occu : Retired,
R/o, R.H. No.5, Vedant-villa,
Damodar Nagar, Pathardi Phata, Nashik.
7. Pawar Madhukar Lotan,
Age : 60 years, Occu : Retired,
R/o, Dnyaneshwar Nagar, Kartikey,
R.H. No.06, Pathardi Phata, Nashik.

8. Gujar Sambhaji Adhar,
Age : 60 years, Occu : Retired,
R/o. 03, Sai Tirth, R.H. No.328/2/1,
Near Shanimandir, Pathardi Phata, Nashik.
9. Barhe Vijay Babanrao,
Age : 59 years, Occu : Retired,
R/o. Pathardi Phata, Amruta Nagar,
Dist. Nashik. ... Petitioners

vs.

1. The State of Maharashtra,
Through the Chief Secretary,
General Administration Department,
Mantralaya, Mumbai-32.
2. The Principal Secretary,
School Education & Sports Department,
Mantralaya, Mumbai-32.
3. The Director of Education,
Maharashtra State, Pune.
4. The Deputy Director of Education,
Nashik Region, Nashik.
5. The Education Officer (Secondary),
Zilla Parishad, Nashik.
6. Shri Chhatrapati Shivaji Raje
Bhosale Vidyalyaya, Dhamni,
Tq. Igatpuri, Dist. Nashik. ... Respondents

Mr.Shivaji T. Shelke, for the Petitioner.

Mr.P.P. Kakade, Addl. GP a/w Ms.Priyanka Chavan, AGP for the
Respondent-State.

**CORAM : RAVINDRA V. GHUGE &
GAUTAM A. ANKHAD, JJ**

DATE : 14th JULY, 2025.

ORAL JUDGMENT (Per Ravindra V. Ghuge, J) :

1. None present for the Petitioner, either in person or through the Video Conferencing Mode.
2. Rule. Rule made returnable forthwith and heard finally by the consent of the parties.
3. The Petitioner has put forth prayer clause (B), as under :

“(B) Issue a writ of mandamus or a writ in the nature of mandamus or a direction in the like nature for directing the respondents to grant the benefit of One step pay scale (Ekstar) to the petitioners as per GR dt. 06.08.2002 & Govt. letter dt. 09.09.2024 issued by School Education & Sports Dept. at Exh. I along with the salary arrears based on the basis of One step pay scale (Ekstar) within a stipulated period.”
4. It is undisputed that several orders in similar matters have been passed by this Court. While disposing off the Petitions, we have permitted the Employer to carry out a verification exercise and, thereafter, initiate appropriate steps. There is no recovery order against the Petitioners, since the monetary benefits are yet to be granted.
5. In view of the above, **this Petition is partly allowed**, on the following terms :

(i) The Education Officer (Secondary), Zilla Parishad, Nashik/ Respondent No.5 shall scrutinize the records of the Petitioner and the places, at which he is deployed for performing his duties, within a period of eight weeks.

(ii) If his case do not suffer from any legal impediment after verification, shall be cleared by Respondent No.5 and the salary benefits, to which he is 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 the arrears, as well as the current salaries, within a period of four weeks thereafter.

(iii) After scrutiny, if the Petitioner, on the basis of his records, is found to be ineligible, Respondent No.5 would issue notice to the Petitioner, so as to enable him to appear and address him.

(iv) After such hearing, which shall be completed within four months from today, Respondent No.5 shall pass appropriate orders and grant benefits of one-step pay-scale to the Petitioner if he is found to be eligible.

(v) The Petitioner, if suffers adverse orders after the above stated exercise is completed, would be at liberty to avail of a statutory remedy, as is permissible in law.

6. **Rule is made partly absolute** in the above terms.

(GAUTAM A. ANKHAD, J)

(RAVINDRA V. GHUGE, J.)