GAURI AMIT GAEKWAD
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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

(911) WRIT PETITION NO.13611 OF 2025

Basweshwar s/o Bhimrao Pandagale & Ors. ….Petitioners

Versus

The State of Maharashtra and Ors. ….Respondents

WITH

(918) WRIT PETITION NO.13612 OF 2025

Kamalkishor s/o Shivaji Tode & Ors. ….Petitioners

Versus

The State of Maharashtra and Ors. ….Respondents

WITH

(919) WRIT PETITION NO.13614 OF 2025

Rahul s/o Bhalerao Patil & Ors. ….Petitioners

Versus

The State of Maharashtra and Ors. ….Respondents

WITH

(920) WRIT PETITION NO.13616 OF 2025

Ravindra s/o Haribhau Waghchaure & Ors. ….Petitioners

Versus

The State of Maharashtra and Ors. ….Respondents

WITH

(921) WRIT PETITION NO.13617 OF 2025

Sandip s/o Vijay Shinde & Ors. ….Petitioners

Versus

The State of Maharashtra and Ors. ….Respondents

WITH

(922) WRIT PETITION NO.13624 OF 2025

Raosaheb s/o Namdeo Pawar & Ors. ….Petitioners

Versus

The State of Maharashtra and Ors. ….Respondents

Ms. Megha Y. Mali for the Petitioners in all Petitions.
Ms. Priyanka Chavan, AGP for the Respondent – State in WP/13611/2025.
Ms. Nisha Mehra, AGP for the Respondent – State in WP/13612/2025.
Mr. P.P. Kakade, Addl. GP a/w. Mr. Abhijeet Naik, AGP for the Respondent – State in WP/13614/2025.
Mr. P.G. Sawant, AGP for the Respondent – State in WP/13616/2025.
Mr. V.G. Badgujar, AGP for the Respondent – State in WP/13617/2025.
Ms. P.N. Diwan, AGP for the Respondent – State in WP/13624/2025.

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

DATE : 16th OCTOBER, 2025

P.C. :-

1. In all these matters, the Petitioners have approached this Court praying for the One Step Pay Scale (commonly known as “Eksthar”). Their contention is that they are entitled to the benefit of the Government Resolutions dated 6th August, 2002 and 29th February, 2024, by which they would be entitled for the benefits of One Step Pay Scale for working in difficult areas like Tribal/PESA. Such benefits were earlier being extended to them and which have been stopped by the order of withdrawal of the benefits,

as well as recovery has been ordered.

2. In this backdrop, these Petitioners prayed for the benefits as were granted to the in-service candidates vide the order of this Court dated 2nd July, 2025 passed in Writ Petition No.8917 of 2025 and group of Petitions (***Santosh S/o. Shankar Gujar v/s. The State of Maharashtra & Ors.***) and for those who have superannuated vide order dated 2nd July, 2025 passed in Writ Petition (Stamp) Nos.21969, 21307, 21924 & 22099 of 2025 (***Gokul S/o. Vitthal Aher & Ors. v/s. The State of Maharashtra & Ors.***).

3. The learned Addl. GP and AGPs appearing in these matters submit that these matters are not similar to the view taken by this Court in *Santosh S/o. Shankar Gujar* (supra) and *Gokul S/o. Vitthal Aher & Ors.* (supra). According to them, these Petitioners were selected and appointed by such Educational Institutions, which were established exclusively in the difficult/Tribal/PESA areas. This is not a case of teachers or employees, who were engaged in other areas and have been deployed in the difficult/Tribal/PESA areas so as to be entitled for one additional increment commonly known as

“Eksthar”. They, however, candidly state that such matters have not yet come to the Court, so as to be specifically dealt with by this Court or even by the State Government so as to adjudicate upon the aspect of whether such employees selected and appointed in the Institutions exclusively situated in Tribal/PESA areas, could be held to be entitled to the benefit of the Government Resolutions dated 6th August, 2002 and 29th February, 2024.

4. The learned Advocate for the Petitioners submits that if the State Government desires to take a call on this aspect, each of these Petitioners are ready and willing to tender their individual representations setting forth their dates of employment, their places of deployment and the tenure spent in the Tribal/PESA areas.

5. Considering the above, **these Petitions are disposed off**, with the following directions :

> (a) The Petitioners shall tender individual representations in the light of the statement recorded in the foregoing paragraph no.4.
>
> (b) Let such representations be tendered to Respondent No.6 Joint Director, Panvel and Pune and Respondent No.7 Registrar, Mumbai and Pune.

(c) After the concerned Respondent receives these representations from such Petitioners and similarly placed other employees, who may not have approached the High Court, he would verify the representations from the available records and transmit the same to the Director of Higher Education, Pune within 15 days from the date of receipt of such representations.

(d) The Director of Higher Education, Pune would consider each of these representations along with the comments of the Education Officer and independently assess whether any of these Petitioners would be entitled for the One Step Pay Scale and arrears of salary in the light of Government Resolutions dated 6th August, 2002 and 29th February, 2024.

(e) Let this exercise be completed by the said officer within a period of 120 days from today. Until then, if the recoveries are being carried out, the same shall be kept in abeyance.

(f) In the event the cases of these individual Petitioners are held to be admissible, the recovered amount shall be returned to these Petitioners and the benefits would be calculated and arrears, if any, would also be paid to such eligible Petitioners within a period of 60 days thereafter, failing which, these amounts would carry interest at the rate of 5% per annum.

(g) In the event any of these Petitioners or the representatives are found to be ineligible, a reasoned order would be passed by the Director of Higher Education, Pune within the same timeline and such decision would be individually communicated to each of the Petitioners within a period of 21 days thereafter.

(h) If the above stated timeline is missed by the State and if the issue of imposition of interest occurs, the Principal Secretary of the Higher and Technical Education Department would be at liberty to fix the responsibility and recover the interest amounts from the concerned officer.

(i) Needless to state, if any of these Petitioners are aggrieved by the decision of the State, they would be at liberty to avail of the remedy as is permissible in law.

(ASHWIN D. BHOBE, J.) (RAVINDRA V. GHUGE, J.)