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

(502) WRIT PETITION NO.16116 OF 2025

Kailas s/o. Parashram Jadhav & Ors. ….Petitioners

Versus

The State of Maharashtra & Ors. ….Respondents

WITH

(503) WRIT PETITION NO.16117 OF 2025

Sunil s/o. Hari Bhamare & Anr. ….Petitioners

Versus

The State of Maharashtra & Ors. ….Respondents

WITH

(504) WRIT PETITION NO.16119 OF 2025

Prakash s/o. Bhagwan Narode & Anr. ….Petitioners

Versus

The State of Maharashtra & Ors. ….Respondents

WITH

(928) WRIT PETITION NO.16050 OF 2025

Keda s/o. Nandaji Bhadange & Ors. ….Petitioners

Versus

The State of Maharashtra & Ors. ….Respondents

WITH

(936) WRIT PETITION NO.16048 OF 2025

Yashwant s/o. Revaji Sawant & Ors. ….Petitioners

Versus

The State of Maharashtra & Ors. ….Respondents

WITH

(937) WRIT PETITION NO.16052 OF 2025

Sunil s/o. Jibhau Pawar ….Petitioner

Versus

The State of Maharashtra & Ors. ….Respondents

WITH

(938) WRIT PETITION NO.16053 OF 2025

Kiran s/o. Popat Pawar & Ors. ….Petitioners

Versus

The State of Maharashtra & Ors. ….Respondents

WITH

(939) WRIT PETITION NO.16054 OF 2025

Sham s/o. Gopal Borade & Anr. ….Petitioners

Versus

The State of Maharashtra & Ors. ….Respondents

Ms. Megha Y. Mali for the Petitioners in all Petitions.
Mr. P.P. Kakade, Addl. GP a/w. Ms. Priyanka Chavan, AGP for the Respondent – State in WP/16116/2025.
Mrs. Nisha Mehra, AGP for the Respondent – State in WP/16117/2025.
Mrs. P.N. Diwan, AGP for the Respondent – State in WP/16119/2025.
Mr. P.P. Kakade, Addl. GP a/w. Ms. Vrishali Raje, AGP for the Respondent – State in WP/16050/2025.
Mr. S.H. Kankal, AGP for the Respondent – State in WP/16048/2025.
Mr. M.M. Pabale, AGP for the Respondent – State in WP/16052/2025.
Mr. Y.D. Patil, AGP for the Respondent – State in WP/16053/2025.
Mr. P.G. Sawant, AGP for the Respondent – State in WP/16054/2025.

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

DATE : 27th NOVEMBER, 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 Additional Government Pleaders 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 the Education Officer (Secondary) of the respective Zilla Parishad.

(c) After the Education Officer 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 Divisional Deputy Director of Education of the respective zones within 15 days from the date of receipt of such representations.

(d) The Divisional Deputy Director of Education 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 Divisional Deputy Director of Education within the same timeline and such decision would be individually communicated to each of the Petitioners within a period of 21 days thereafter.

(h) Some of the Petitioners may have retired from service on superannuation. Hence, after the above directed exercise is completed and if they are found to be eligible, their re-fixation of pay scale be carried out within a period of 30 days.

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

(j) 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.)