



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO.686 OF 2024

- 1] Shri Suresh s/o Shriram Bothe,
Aged about 49 years,
Occupation-Service,
R/o. Rashtra Sant Tukdoji
Maharaj Primary Ashram
School, Bhokarbardi, Tah.
Dharni, District-Amravati.
- 2] Dinesh s/o Wamanrao Chimote,
Aged about 52 years,
Occupation-Service,
R/o. Kasturba Gandhi Adiwasi
Ashram School, Gondwandi,
Tah. Dharni, District-Amravati. .. Petitioners

.. Versus..

- 1] The State of Maharashtra,
Through its Secretary,
Tribal Development Department,
Mantralaya, Mumbai-32.
- 2] The Commissioner,
Tribal Development Department,
Old Mumbai, Agra Road, Nashik,
District-Nashik.
- 3] The Assistant/Additional
Commissioner, Tribal Development
Department, Amravati,
District-Amravati.
- 4] The Project Officer,
Integrated Tribal Development
Project, Dharni, Tah. Dharni
District-Amravati. .. Respondents

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Shri V.U. Waghmare, Advocate for Petitioners.
Shri A.S. Fulzele, Additional Government Pleader for
Respondents/State.
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CORAM : SMT. M.S. JAWALKAR AND
PRAVIN S. PATIL, JJ.
DATED : 10th JULY, 2025.

JUDGMENT [Per : Pravin S. Patil, J.]

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1. **Rule.** Rule made returnable forthwith. By consent of the learned Counsel for the parties, the matter is taken up for final disposal.
 2. By this petition, the Petitioners are challenging the order dated 29.07.2022 by which Respondent No.3 refused to grant pay-scale of Rs.4500-7000 from the date of their initial appointment as Hostel Superintendent.
 3. The Petitioners have placed reliance on the judgment of this Court in Writ Petition No.8737/2011 decided on 15.10.2013, in which identically situated employees i.e. Hostel Superintendents of Ashram Schools made a grievance before this Court that they were not granted the pay-scale from the

date of their appointments. This Court directed the department to consider their case independently and verify whether the said Petitioners are entitled for the pay-scale from the date of their appointments.

4. In the light of directions given by this Court, the Respondent No.2, by the order dated 15.03.2014, decided the representation of identically situated employees i.e. Hostel Superintendent and granted them pay-scale of Rs.4500-7000 from the date of their appointments.

5. In the light of above submissions, it is the case of the Petitioners that non-granting of pay-scale of Hostel Superintendent to them from the date of appointment is discrimination amongst the set of identical employees and, therefore, on the ground of parity seeks indulgence of this Court in the matter.

6. Learned Assistant Government Pleader appearing for the Respondents/State vehemently opposed the petition by relying upon the Government Resolution dated 03.06.2008. According to him, as per policy framed by State Government,

the pay-scale of Superintendent is made applicable with effect from 1st June, 2008. Hence, in view of policy framed by the Government, the pay-scale of Superintendent is made applicable to the services of the Petitioners by the order dated 29.07.2022. Hence, there is no perversity in the impugned order.

7. It is admitted fact on record that the Petitioner no.1 was appointed as Superintendent on 15.01.1996, whereas petitioner no.2 was appointed as Superintendent on 26.10.1994. However, they were not granted the pay-scale from the date of their appointments.

8. Petitioners have rightly relied upon the judgment of this Court in the case of ***Maroti s/o Datta Dharshanwad and others .vs. State of Maharashtra in Writ Petition No.8737/2011 decided on 15.10.2013***, wherein this Court observed in Para 4 and 5 as under :

4. *The petitioners contend that in view of the policy framed by the Tribal Development Department on 03.06.2008, the Hostel Superintendents are entitled to get salary in the pay scale prescribed for approved Hostel Superintendents possessing training qualification even prior to 01.06.2008. The Government Resolution restricts entitlement of the Hostel Superintendents to claim monetary benefits from 01.06.2008 onwards. According to the petitioners, the discrimination between the employees*

working in the Tribal Development Department and Social Justice Department is unreasonable and petitioners are also entitled to claim monetary benefits on par with the employees serving in the Social Justice Department.

*5. The Division Bench of this Court, in unreported judgment in the matter of Sahebrao Karbhari Gunjal and others .vs. State of Maharashtra and others (**Writ Petition No.1491 of 2001**, decided on 04.11.2009), has held that clauses (2) and (3) of the corrigendum dated 03.04.2007 to Government Resolution dated 18.09.2000 are unreasonable and unconstitutional to the extent of disparity between Hostel Superintendents employed in Ashram Schools recognized by the Tribal Development Department and Social Justice Department.”*

9. In the light of abovesaid observation, Respondent No.3, by his order dated 15.03.2014, granted pay-scale to the eight identical situated Hostel Superintendents the pay-scale of Rs.4500-7000 from the date of their appointment. Hence, we see no reason to deny the same relief in favour of the petitioners.

10. It is further pertinent to note that in the impugned order dated 29.07.2022, though Respondent No.3 recorded that many untrained Hostel Superintendent approached to High Court to get pay-scale from the date of appointment and accordingly, from the date of their appointment, pay-scale was

made applicable to them, no reason is recorded as to why petitioners cannot be granted pay-scale from their date of appointment.

11. Considering the overall factual position, we are of the considered opinion that the Petitioners are entitled for the pay-scale of Superintendent i.e. 4500-125-7000 to the Petitioners from their respective date of appointments. Hence, we pass the following order :

O R D E R

- (i) Writ Petition is allowed.
- (ii) The impugned order dated 29.07.2022 passed by Respondent no.3 is hereby quashed and set aside.
- (iii) The Respondents are directed to grant the pay-scale of Superintendent to the Petitioners from the date of their appointments within a period of three months from the date of this order.

12. Rule is made absolute in the above terms.

(Pravin S. Patil, J.)

(Smt. M.S. Jawalkar, J.)