



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

WRIT PETITION NO.5296/2016

Hemant Narayanrao Supner,
aged about 53 Yrs., Occ. Service,
R/o T-Point, Navegaon Service Complex,
Kotgal Road, Gadchiroli.

... Petitioner

- Versus -

1. State of Maharashtra,
through its Secretary,
Department of Education and
Employment, Mantralaya,
Bombay-32.

2. Deputy Director,
Education, Gowari Chowk,
Sita Burdi, Nagpur.

3. The Education Officer (Secondary),
Zilla Parishad, Chandrapur.

4. The Principal,
Nav Bharat Vidyalaya, Mul,
Taluka Mul, Distt. Chandrapur.

... Respondents

WITH

WRIT PETITION NO.3494/2016

1. Dhiraj S/o Manoharrao Chore,
aged 37 Yrs., Occ. Service,
R/o Shivara, Post Pimpalgaon,
Tal. Nandgaon Khandeshwar,
Distt. Amravati.

2. Parashram S/o Bhikaji Chavan,
aged 38 Yrs., Occupation Service,
R/o Antargaon, Post Bhansara,
Tal. Arni, Distt. Yeotmal.
3. Ku. Rajeshree Hirachand Wanjari,
aged 31 Yrs., Occ. Service,
R/o Plot No.356, Malginagar,
Nagpur.
4. Ashish S/o Gangadharrao Uke,
aged 32 Yrs., Occupation Service,
R/o Tejaswini Colony, Navsari,
Amravati.
5. Prafulla S/o Sureshrao Gawai,
aged 32 Yrs., Occupation Service,
R/o Sane Guruji Nagar, Lohara
Road, Yeotmal.
6. Badrinath S/o Dattuji Dhakne,
aged 33 Yrs., Occupation Service,
Presently R/o Kandari (Kh),
Post Badanapur, Tah. Badnapur,
Distt. Jalna.

... Petitioners

- Versus -

1. State of Maharashtra,
through its Secretary,
Department of School Education,
Mantralaya, Mumbai-32.
2. State of Maharashtra,
through its Secretary, Tribal Development
Department, Mantralaya, Mumbai - 32.
3. The Commissioner of Tribal

Development, State of Maharashtra,
Nashik.

4. The Assistant Commissioner,
Tribal Development, State of
Maharashtra, Amravati Division,
Amravati. ... Respondents

WITH

WRIT PETITION NO.3962/2016

Ram Damodhar Yewale,
aged about 43 Yrs., Occ. Service,
R/o Eklara, Tah. Chikhali,
Distt. Buldhana. ... Petitioner

- Versus -

1. State of Maharashtra,
through its Secretary,
School Education and Sports
Department, Mantralaya,
Mumbai-32.
2. Director of Education,
Pune, Tq. and Distt. Pune.
3. Deputy Director of Education,
Amravati, Tq. and Distt. Amravati.
4. The Education Officer (Secondary),
Zilla Parishad, Buldhana, Tq. and
Distt. Buldhana. ... Respondents

Mr. Atharva Khadse, Advocate h/f Mr. S.P. Bhandarkar, Advocate for the petitioner.

Ms. Mayuri Deshmukh, A.G.P. for respondent Nos.1 to 3/State.
.....(in W.P. No.5296/2016)

Mr. A.R. Deshpande, Advocate for the petitioners.

Ms. Mayuri Deshmukh, A.G.P. for respondent Nos.1 to 4/State.
.....(in W.P. No.3962/2016)

Mr. B.G. Kulkarni, Advocate for the petitioners.

Ms. Mayuri Deshmukh, A.G.P. for respondent Nos.1 to 4/State.
.....(in W.P. No.3494/2016)

CORAM: ANIL S. KILOR & MRS.VRUSHALI V. JOSHI, JJ.

DATED: 24.07.2025.

JUDGMENT (Per Mrs. Vrushali V. Joshi, J.)

Rule. Rule made returnable forthwith. Heard finally by consent of learned Advocates for the parties.

2. As the facts, issues involved and reliefs sought in these three petitions are common, they are decided by this common judgment.

3. The petitioners in all these petitions are invoking the writ jurisdiction of this Court under Article 226 of the Constitution of India to seek a revised pay scale to be applied to their salary at par with employees/teachers possessing Bachelor of Education degree laying challenge to the Government

Resolutions dated 30.11.2015 and 8.2.2016 wherein the State Government had published the names of those Teachers/Librarians only who had approached this Court for the implementation of the above said resolutions.

4. In Writ Petition No.5296/2016 the petitioner is the graduate of the year 1986 in Library Science who was appointed as Librarian in respondent No.3 school vide appointment letter dated 21.8.1987 and subsequently was confirmed as a full time Librarian. He was accorded a pay scale Rs.365-570.

5. The revision was made according to 4th and 5th Pay Commission in the pay scale at Rs.1400-2300 and Rs.4500-7000 respectively. Additionally, in 6th Pay Commission it was revised to the tune of Rs.5200-20200.

6. In Writ Petition No.3494/2016 the petitioners are challenging the lower pay scales granted to them (Rs.1200-2040/- 4th pay scale and Rs.4000-6000/- 5th pay scale and Rs.5200-20200/- AGP 2400 under 6th Pay Commission) as

against the entitlement of Rs.1400-2600/- and Rs.5500-9000 and Rs.9300-34800+AGP Rs.4300/- though the petitioners are duly qualified to get the said pay scales as they were holding a degree in Library Science. It is contended that the persons appointed as Assistant Teachers with bachelor degree and professional degree (Trained Teachers) are held to be entitled for the pay scales of Rs.1200-2600 and Rs.5500-9000. Accordingly, it is prayed that the respondent Nos.1 to 4 be directed to grant pay scale of Rs.9300-34800 Grade Pay Rs.4300 to the petitioners equivalent to pay scales of Rs.1400-2600 (4th Pay) and Rs.5500 - 900 (5th Pay) from the date of their appointments with all consequential benefits including arrears of salary and all other consequential reliefs.

7. In Writ Petition No.3962/2016, the petitioner was appointed as a part time Librarian in 1995 and in 2007 as a full time Librarian in aided private school namely Vivekanand Vidyalaya, Eklara, District Buldhana. He has obtained degree in Library Science i.e B.Lib. in 2008. It is contended that as per

Bhole Pay Commission, the Librarians were held entitled to pay scale as was admissible to Assistant Teachers i.e. Rs.365-2600 and the same pay scale ought to have been continued subsequently in Pay Commissions dated 1.1.1986, 1.1.1996 and 1.1.2006. It is prayed that the petitioner is entitled to be placed in pay scale of Rs.9300-34800/- with grade pay 4300 as per recommendations of 6th Pay Commission. Accordingly, it is prayed that the petitioner be fixed in scale of Rs.9300-34800/- with grade pay of Rs.4300/- as per recommendations of 6th Pay Commission.

8. It is submitted that all the petitioners in these three petitions are governed by the Maharashtra Employees of Private Schools (Conditions of Service) Regulation Act, 1977.

9. It is the submission of the respective learned Advocates for the petitioners that petitioners are entitled for revised pay scale at par with secondary school teachers possessing Bachelor degree in Education. They have relied on the observations made by this Court in case of Shobhu Shankar Chavhan V/s. Headmaster, Maharashtra Vidyalaya and others in

Writ Petition No.5938/1998 filed in the nature of Public Interest Litigation which resulted into issuance of Government Resolutions dated 30.11.2015 and 8.2.2016 manifesting discriminatory approach violative of Article 14 of the Constitution of India, comprising the names of those employees/teachers only who had approached this Court for the applicability of the revised pay scale. It is the contention of the petitioners that while issuing aforesaid Government Resolutions it ought to have been observed that all the employees who formed the class of full time Librarian should be made entitled for the benefit of revised pay. It is crystal clear that the respondents have given a favoured and differential treatment to all those who knocked the doors of this Court and have excluded the remainder from the benefit.

10. The petitioners have placed reliance on the verdict of the Principal Bench of this Court in the case of Shobhu Shankar Chavhan (*supra*). According to the petitioners, the said judgment

is upheld by the Hon'ble Apex Court dismissing the Special Leave Petition filed against the said verdict.

11. It is brought to our notice the judgment of the Full Bench of this Court in Writ Petition No.3494/2016 (Dhiraj S/o Manoharrao Chore V/s. State of Maharashtra and others). As per the said judgment, the petitioners are not entitled to revised pay scale of Rs.1400-2300 from 1.1.1986 or Rs.1400-2600/-. It is observed by the Full Bench in case of Dhiraj S/o Manoharrao Chore V/s. State of Maharashtra and others (supra) in para Nos.19 and 20 as under:-

“19. Reference was also made to the Notification dated 01.10.1988 issued by the State of Maharashtra under the Maharashtra Civil Service (Revised Pay) Rules, 1988. Those rules are applicable to government servants of the State of Maharashtra. As regards the posts under Directorate of Education, the pay-scale of a Librarian is prescribed at Rs.365-760 and the revised pay-scale is shown as Rs.1400-2300. It is thus clear that even under the aforesaid Notification dated 01.10.1988 the revised pay-scale for a Librarian under the Directorate of Education is not Rs.1400-2600 but Rs. 1400-2300. The various earlier orders passed by the Division Benches of making the provisions of the Notification dated 01.10.1988 applicable to Librarians would therefore indicate that the revised

pay-scale of Rs.1400-2300 alone was made admissible.

20. *It is thus found that under Schedule C of the Rules 1981 the pay-scale prescribed for the post of Librarian who is either a graduate and has a diploma/degree in Library Science is Rs.1400-2300. The pay band of Rs.1400-2600 is not prescribed for the post of Librarian under Part-VIII of Schedule C to the Rules, 1981. The adjudication in Shobhu Shankar Chavan (2) is merely a one line order which does not constitute a binding precedent as there are no reasons assigned for holding that a trained Librarian would be entitled to the pay-scale of Rs.1400-2600. Since the pay-scale of a Librarian having higher qualifications than the minimum prescribed by Schedule B of the Rules 1981 is not shown to be Rs.1400-2600, the decisions in Shobhu Shankar Chavan (2) and Sadanand Pandurang Mali (supra) holding otherwise thus stand overruled. The question as framed is answered by holding that a Librarian even if he is having higher qualifications than the minimum prescribed by Schedule B of the Rules of 1981 would not be entitled to the pay-scale of Rs.1400-2600. Librarians irrespective of holding higher qualifications than the minimum qualifications prescribed by Schedule B of the Rules of 1981 would be entitled to the pay-scale of Rs.1400-2300 as prescribed in Schedule C of the Rules of 1981. The reference stands answered accordingly.*

The writ petitions be now placed before the appropriate Division Bench for further consideration.”

12. The learned A.G.P. appearing for the respondents/State submitted that the petitioners are not entitled for the reliefs claimed by them as per the Full Bench judgment of this Court in Dhiraj S/o Manoharrao Chore V/s. State of Maharashtra and others (supra) and prayed to dismiss the petitions.

13. In view of above-said observations made by the Hon'ble Full Bench in case of Dhiraj S/o Manoharrao Chore V/s. State of Maharashtra and others (supra) the petitions are dismissed. Rule discharged. No costs.

(MRS.VRUSHALI V. JOSHI, J.)

(ANIL S. KILOR, J.)