

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

WRIT PETITION NO. 413 OF 2024

1. Gulab Mahadev Mhaske
Age 55 yrs, Occ. Cook,
R/o. C/o. Vasantrao Naik Prathamic /
Madhyamic Ashram Shaala Dapura,
Panchayat Samiti Manora,
Dist. Washim
2. Uttam Tukaram Ingole
Age 58 years, Occ. Shipai,
R/o. C/o. Vasantrao Naik Prathamic /
Madhyamic Ashram Shaala Dapura,
Panchayat Samiti Manora,
Dist. Washim
3. Raju Bhagwan Aade
Age 56 years, Occ. Cook,
R/o. C/o. Vasantrao Naik Prathamic /
Madhyamic Ashram Shaala Dapura,
Panchayat Samiti Manora,
Dist. Washim
4. Vitthal Maroti Barlawar
Age 47 years, Occ. Helper,
R/o. C/o. Vasantrao Naik Prathamic /
Madhyamic Ashram Shaala Dapura,
Panchayat Samiti Manora,
Dist. Washim
5. Kailash Ramdhan Rathod
Age 58 years, Occ. Shipai,
R/o. C/o. Vasantrao Naik Prathamic /
Madhyamic Ashram Shaala Dapura,
Panchayat Samiti Manora,
Dist. Washim
6. Yashwant Ganpat Shelke
Age 55 years, Occ. Kamathi,
R/o. C/o. Vasantrao Naik Prathamic /
Madhyamic Ashram Shaala Dapura,
Panchayat Samiti Manora,
Dist. Washim

... Petitioners

7. Santosh Anandrao Vyavahare
Age 45 years, Occ. Cook,
R/o. C/o. Vasantrao Naik Prathamik /
Madhyamic Ashram Shaala Dapura,
Panchayat Samiti Manora,
Dist. Washim

Versus

1. The State of Maharashtra,
Through its Secretary Other Backward,
Bahujan Welfare Department, Mumbai 32
2. The Divisional Commissioner,
Other Backward, Bahujan Welfare Department,
Nagpur.
3. The Assistant Commissioner,
Other Backward, Bahujan Welfare Department,
Nagpur.
4. The Assistant Commissioner,
Other Backward, Bahujan Welfare Department,
Amravati.

... Respondents

Mr. P.S. Kshirsagar, Advocate for petitioners.
Mr. S.M. Ukey, Addl. GP for respondent Nos.1 to 4.

**CORAM : AVINASH G. GHAROTE AND
ABHAY J. MANTRI, JJ.**
DATE : 19.03.2025.

ORAL JUDGMENT: (PER: Abhay J. Mantri, J)

CIVIL APPLICATION NO. 2711 OF 2024

1. The learned Advocate for the petitioners/applicants submitted that the nomenclature of the respondents' department has been changed. Therefore, the petitioners want to amend the petition to which the learned AGP has not objected.

2. Considering the reasons stated in the application, the application is allowed as prayed for.

3. The petitioners are directed to carry out the amendment forthwith.

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1. Mr. Ukey, learned Additional GP waives notice for all respondents.

2. Heard. **Rule.** Rule is made returnable forthwith and heard finally with the consent of the learned counsel for both parties.

3. The petitioners seek to grant a selection grade pay scale in favour of the petitioners and other consequential benefits in view of the G.Rs. dated 02.03.2019 and 23.10.2017 and in view of the dictum laid down in judgment dated 21.09.2013 in W.P. No. 2358/2013.

4. The learned Advocate for the petitioners submitted that the issue involved in the present matter is covered by the decision in *Parasram H. Jadhav and Ors. Vs. The State of Maharashtra and anr. in Writ Petition No. 377/2023 decided on 06.11.2023* and submitted that *the facts in the present matter are identical and similar to the facts in the above decision*, and therefore, he urged for disposal of the petition

in terms of the decision in the said case.

5. The learned AGP has conceded the said position and submitted that the appropriate orders be passed.

6. It appears that the facts in the present matter are identical and similar to the facts in the above decision, and therefore, in our opinion, it would be proper to dispose of the petition in terms of the decision in the said case, i.e. by directing the respondents to examine the entitlement and eligibility of the petitioners to receive the benefits of grant of selection grade pay scale in light of the Government Resolution dated 02-03-2019 and other Government Resolutions as applicable in that regard. The same shall be considered within a period of eight weeks from the receipt of a copy of this order. In case the petitioners are found to be entitled to receive such benefits, the same shall be released in their favour within four months of such a decision being taken.

7. Accordingly, the petition is disposed of, and the rule is made absolute in the above terms. No costs.

(Abhay J. Mantri, J.)

(Avinash G. Gharote, J.)

Prity