IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 9487 OF 2011

1] **Sirish s/o Bhagawn Inamdar,**
Age 45 years, Occp. Service,
R/o. 3/10 B & C Quaters,
Anand Nagar, Osmanabad,
Ta. & Dist. Osmanabad.

2] **Pandurang s/o. Shankerrao Pole,**
Age 45 years, Occp. Service,
R/o. Mamta Niwas, Vayas Nagar,
Naldurg, Ta. Tuljapur,
Dist. Osmanabad. *... Petitioners*

VERSUS

1] **The State of Maharashtra**
Through its Secretary of
Education and Employment
Department,
Mantralaya, Mumbai.

2] **Director of Vocational Education And Training, Office,**
Mahapalika Marg., Mumbai.

3] **Dy. Director of Vocational Education And Training, Regional Office.**
Aurangabad. *... Respondents*

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- **Ms. M. R. Jamdhade,** *Advocate for the Petitioners.*
- **Mr. P. K. Lakhotiya,** *AGP for Respondents - State.*

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CORAM : KISHORE C. SANT & JITENDRA JAIN, JJ.

RESERVED ON : 07th OCTOBER, 2026

PRONOUNCED ON : 12th OCTOBER, 2026

JUDGMENT (PER JITENDRA JAIN, J.) :

1. Rule. Rule is made returnable forthwith. By consent of the parties, the matter is taken up for final hearing since pleadings are completed.

2. This petition is filed by two teachers teaching vocational subjects in a junior college, seeking actual benefit of the revised pay scale of Rs. 7225-11050, pursuant to fifth pay commission, with effect from 1st January 1996, instead of 1st January 2000.

3. The petitioners are working as full-time teachers in a private junior college, teaching vocational courses run by the Government of Maharashtra. The State Government grants financial aid to private institutions for running these vocational courses in their colleges.

4. Pursuant to the fifth pay commission, the pay scale of the petitioners was revised with effect from 1st January 1996 to Rs.6,500–10,500. The said pay scale was rectified with effect from 1st January 2000 to 7225-11050. Though the benefit of the rectified pay scale was considered notionally with effect from 1st January 1996, the actual monetary benefit thereof was not extended to the petitioners from 1st January 1996, but was granted only from 1st January 2000.

5. The dispute between the petitioners and the respondents is, therefore, confined to the grant of actual monetary benefit of the

rectified pay scale, namely, whether such benefit should be granted with effect from 1st January 1996 or from 1st January 2000.

6. The petitioners submit that all other similarly situated teachers have been granted the benefit of the rectified pay scale with effect from 1st January 1996 and, therefore, denial of such benefit to the petitioners teaching vocational courses is violative of Article 14 of the Constitution of India. The petitioners further submit that there is no rational basis for making a distinction between teachers teaching vocational courses and other teachers teaching in junior colleges insofar as the grant of the said pay scale is concerned. The petitioners, therefore, pray for an appropriate direction to the respondents to grant them the actual monetary benefit of the rectified pay scale of Rs. 7225-11050 with effect from 1st January 1996.

7. Learned Additional Government Pleader supports the stand of the State and submits that if the benefit is granted retrospectively, it would impose an additional financial burden upon the State. He submits that the actual monetary benefit of the rectified pay scale has been granted to the petitioners with effect from 1st January 2000, since the rectified pay scale was notified by the Government Resolution with effect from 1st January 2000. He, therefore, prays for dismissal of the petition.

8. We have heard learned counsel for the petitioners and the learned Additional Government Pleader for the respondent-State.

9. The submission made on behalf of the State that grant of the benefit retrospectively would impose a financial burden upon the State cannot be accepted. Merely because the State took time to rectify the pay scale, the benefit of such rectification cannot be denied to the petitioners. This is not a case of fixation of a new pay scale, but a case of rectification of the pay scale which was already fixed with effect from 1st January 1996. Financial burden cannot be a ground to deny legitimate due of the teachers. Therefore, the contention raised by the learned Additional Government Pleader cannot be accepted. If other teachers can be given benefit from 1st January 1996 then justification of financial stress for non-grant of same to vocational teachers cannot be accepted.

10. The distinction sought to be made by the State between teachers teaching vocational courses and those teaching non-vocational courses, for the purpose of denying the actual monetary benefit of the rectified pay scale with effect from 1st January 1996 to petitioners, also cannot be accepted. Any classification must be based on an intelligible differentia and must have a rational nexus with the object sought to be achieved. In the present case, the petitioners are not seeking the pay scale applicable to teachers teaching non-

vocational courses. They are seeking the actual monetary benefit of their own rectified pay scale with effect from 1st January 1996. Therefore, there is no rational basis for making a distinction between teachers teaching vocational courses and those teaching non-vocational courses so as to deny the petitioners the benefit of the rectified pay scale with effect from 1st January 1996.

11. The State has also not disputed that the actual monetary benefit of the rectified pay scale has been extended to other teachers with effect from 1st January 1996. We, therefore, find no justification in the stand of the State in denying the petitioners the actual monetary benefit of the rectified pay scale with effect from 1st January 1996.

12. The contention of the respondent – State that it is a policy matter, and therefore, Court should not interfere cannot be accepted. If policies are framed to treat similarly situated people differently then it would fall foul of Article 14 of the Constitution of India. Therefore, this contention is also not accepted. Also once the State accepts notional inclusion from 01.01.1996, there is no justification in the facts of the present case to deny actual benefit from 01.01.1996.

13. In view of the above, we pass the following order:

ORDER

i. The respondents are directed to grant to the petitioners the actual monetary benefit of the revised Fifth Pay Commission pay scale of Rs. 7225-11050 with effect from 1st January 1996.

ii. The Government Resolutions dated 1st December, 2000 and 11th December, 2006, to the extent it grants the actual monetary benefit of the rectified pay scale only with effect from 1st January 2000, is quashed and set aside.

iii. The respondents shall calculate and pay to the petitioners the arrears arising from the grant of the rectified pay scale for the period from 1st January 1996 to 31st December 1999, within a period of six months from today, without any interest. However, if payment is not made within 6 months then it will carry interest @6% p.a. from the expiry of 6 months.

14. Rule is made absolute in the above terms.

[JITENDRA JAIN, J.] **[KISHORE C. SANT, J.]**