



IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

6 WRIT PETITION NO.13419 OF 2025

Kailas Damodhar Kanawade,  
**Since deceased through Legal Representatives -**

- 1 Chandrakala Kailas Kanawade,  
Age 50 yrs., Occ. Household,
- 2 Swapnil Kailas Kanawade,  
Age 31 yrs., Occ. Service,
- 3 Bhushan Kailas Kanawade,  
Age 29 yrs., Occ. Service,

Petitioner Nos.1 to 3 are  
r/o Sawarchol, Post Nimgaon (Bk),  
Tq. Sangamner, Dist. Ahmednagar.

- 4 Priyanka Laxman Godase,  
Age 33 yrs., Occ. Household,  
R/o Lahit (Kh), Tq. Sangamner,  
Dist. Ahmednagar.

... Petitioners

... **Versus** ...

- 1 The State of Maharashtra  
Through the Secretary,  
General Administration Department,  
Mantralaya, Mumbai – 32.
- 2 The Principal Secretary,  
School Education and Sports Department,  
Mantralaya, Mumbai – 32.
- 3 The Director of Education,  
Maharashtra State, Pune.

- 4 The Deputy Director of Education,  
Pune Division, Pune.
- 5 The Education Officer (Secondary),  
Zilla Parishad, Ahmednagar.
- 6 New English School,  
Through it's Headmaster,  
Jambhalewadi (Satewadi),  
Tq. Akola, Dist. Ahilyanagar.
- 7 Savitribai Fule Secondary School,  
Through it's Headmaster,  
Kotul, Tq. Akola,  
Dist. Ahilyanagar.

... **Respondents**

...

Mr. A.T. Kanawade, Advocate for petitioners

Mr. S.B. Pulkundwar, AGP for respondent Nos.1 to 5

...

**CORAM : SMT. VIBHA KANKANWADI &  
HITEN S. VENEGAVKAR, JJ.**

**DATE : 12<sup>th</sup> JANUARY, 2026**

**ORDER :**

. Issue notice to respondents.

2 Learned AGP waives notice for respondent Nos.1 to 5.

3 Present petition is filed for following relief :

“(B) This Hon’ble Court, by issuing a writ of mandamus or any other appropriate writ, order, or direction in the like nature, be pleased to direct the respondents to grant the benefit of the One-Step Pay Scale (Ekstar) from the date of posting of Late Kailas Damodhar Kanawade in the Tribal/PESA area till the date of his service therein, as per G.R. dated 06.08.2002, and to pay the consequential arrears of salary with all consequential benefits.

(C) This Hon’ble Court, by issuing appropriate writ, order, directions in the like nature, kindly hold and declare that G.R. dated 14.08.2008 issued by respondent No.2, is discriminatory and ultra-vires the constitution of India and thereafter, strike down the same by issuing necessary writ or order.

(D) This Hon’ble Court, by issuing writ of mandamus or appropriate writ, order, directions in the like nature, kindly direct the respondents, to give / grant the benefits of One Step Pay Scale (Ekstar) from the date of posting of late Kailas Damodhar Kanawade in tribal area, under G.R. dated 06.08.2002 and to pay the arrears of salary to the husband / father of petitioner who was worked in the Tribal / PESA area.”

4 Heard learned Advocate appearing for petitioners. Petitioners are legal heirs of deceased Kailas Damodhar Kanawade, who died on 27.08.2021. Deceased was officiating his duties in respondent Nos.6 and 7 schools, which are located in the Tribal / PESA / difficult area. Respondent No.1 had issued Government Resolution dated 06.08.2002 and decided to give additional benefit of one step pay scale to the employees working in Tribal / PESA area. However, the respondents have not given the effect of

said Government Resolution to deceased. There is no noting in the service record of deceased to that effect. The deceased worked with respondent Nos.6 and 7, which are situated in Tribal / PESA area of Akole taluka, wherein the tribal population is highest and all these villages have also been notified and included in Tribal / PESA area by Government Resolution dated 09.03.1990 issued by the Tribal Development Department of Government of Maharashtra. Some of the teaching and non teaching staff of same schools approached this Court and the issue of granting and continuation of one step promotional pay scale to the School Education and Sports Department was the subject of consideration of this Court in Writ Petition No.12319 of 2024. Deceased is similarly situated, therefore, petitioners have approached this Court.

5           The first and the foremost fact that is required to be noted is that it appears that there was no representation made by petitioners to respondent Nos.1 to 5 and especially respondent No.5. Though in similarly situated schools, the Government Resolution might have been implemented, that does not mean that the representation should not be made by petitioners. The petitioners themselves have annexed copy of order passed by this Court in **Deshmukh Sharad Madhukar and others vs. The State of Maharashtra and others** in Writ Petition No.12319 of 2024 passed on

**14.11.2024**, wherein it appears that respondent No.5 was Education Officer (Secondary), Zilla Parishad, Ahmednagar. This Court had then directed that Respondent No.5 – Education Officer (Secondary), Zilla Parishad, Ahmednagar shall scrutinize the record of those petitioners and the places at which they were deployed for performing their duties and then decide regarding the implementation of Government Resolution. In fact, present respondent No.5 ought to have then scrutinized the record of deceased and ought to have taken a decision once for all for the deceased. We intend to issue similar directions in respect of deceased also, however, before that the petitioners should file a representation to respondent No.5. Learned AGP informs that Government had also taken out Government Resolution dated 14.08.2008, wherein clarification has been issued and then it is stated that the scheme is not applicable to those employees who are working in the tribal and PESA area and were never transferred from such area to other areas and, therefore, while giving directions note be taken in respect of said Government Resolution.

6                      Accordingly, Writ Petition is allowed on following terms :

- (i)     The petitioners are at liberty to file representation to respondent No.5 within a period of 15 days from today.
- (ii)    Respondent No.5 shall scrutinize the record of deceased Kailas

Damodhar Kanawade and the places at which he was deployed for performing his duties, from the date of receipt of a representation, considering all the relevant Government Resolutions including GR dated 29.02.2024 and 14.08.2008.

(iii) If the case of the deceased is without any legal impediment after verification, shall be cleared by respondent No.5 and the arrears of salary benefits, to which the deceased is entitled to, in the light of one-step pay scale made available to the employees working in Tribal and PESA areas, shall be paid to the petitioners, within a period of 30 days, thereafter.

(iv) After scrutiny, if the deceased, on the basis of his record, is found to be ineligible, respondent No.5, would issue notice to the petitioners, so as to enable them to appear before the said authority and address it.

(v) After such hearing, which shall be completed within 120 days, respondent No.5 shall pass an appropriate order and grant benefits one step pay scale to deceased, who is found to be eligible.

(vi) The petitioners, if suffer an adverse order after the above stated exercise is completed, shall be at liberty to avail of a statutory remedy, as is permissible in law and in the light of Government Resolution dated 29.02.2024 issued by the General Administrative Department.

( HITEN S. VENEGAVKAR, J. )

( SMT. VIBHA KANKANWADI, J. )

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