

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 9798 OF 2024

Vijay TadkePetitioner

Versus

The State of Maharashtra and Ors.Respondents

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**WITH
WRIT PETITION NO. 9796 OF 2024**

Sujata BamanePetitioner

Versus

The State of Maharashtra and Ors.Respondents

Ms. Devyani Kulkarni, Advocate for the Petitioner in Both Matters.

Ms. Druti Datar, Advocate for Respondent No. 4 & 5.

Mr. M.M. Pable, AGP for State in WP No. 9796/2024.

Ms. Priyanka Chavan, AGP for State in WP No. 9798/2024.

**CORAM : RAVINDRA V. GHUGE &
ABHAY J. MANTRI, JJ.**

DATE : 12th JANUARY, 2026

JUDGMENT (Per Ravindra V Ghuge, J)

1. **Rule.** Rule made returnable forthwith and heard finally
with the consent of the parties.

2. The Petitioner has put forth prayers below paragraph
34(a) and 34(b), as under:

“34. The Petitioner therefore prays for the following:

a. For a Writ of Mandamus or a writ, order or direction in the nature of Mandamus or any other appropriate writ, order or direction directing the Respondents to-

- i. step up and Re-fix the pay/salary of the Petitioner to be on par with the respective junior employee w.e.f. the date when the junior employee acquired the Ph.D. degree and pay the difference in salary of the Petitioner and the junior employee.*
- ii. pay the arrears of salary to the Petitioner from the date the junior started receiving a higher salary till the date of actual realization of the increased salary to the Petitioner within a period of three months from today.*

b. Pending the hearing and final disposal of the Petition the Respondents be directed to-

- i. step up and Re-fix the pay/salary of the Petitioner to be on par with the respective junior employee w.e.f. the date when the junior employee acquired the Ph.D. degree and pay the difference in salary of the Petitioner and the junior employee.*
- ii. pay the arrears of salary to the Petitioner from the date the junior started receiving a higher salary till the date of actual realization of the increased salary to the Petitioner within a period of three months from today.”*

3. The issue brought before us in this Petition is no longer *res integra* in view of the Judgment dated 21st November 2013, delivered by this Court at the Aurangabad Bench in *Writ Petition No. 10283/2012 (Sudamrao Keshawrao Aher and Ors vs. The State of Maharashtra and ors.)*.

4. Though, the learned AGP has made a valiant attempt to oppose this Petition on instructions, we do not find that there are any reasons or circumstances before us which would convince us to take a different view than the view taken in *Sudamrao Aher* (supra). So also, this Court at the Aurangabad Bench, followed *Sudamrao* in *Writ Petition No. 812/2016 (Sarjerao Madhavrao Bhamare & Ors. Vs. State of Maharashtra and Ors)* and a bunch of Petitions, decided on 07th April 2016. Thereafter, a series of Judgments/Orders have been passed by this Court, and many of them are annexed in the Petition Paper Book from page 54 to page 102.

5. It is also noteworthy that the State of Maharashtra had approached the Hon'ble Supreme Court in *Sudamrao Keshavrao Aher* (supra), in Special Leave to Appeal (Civil) No. 15053-15056/2015, which has been dismissed vide order dated 17th November, 2015 on the ground that there is no reason to interfere.

6. In view of the above, **this Writ Petition is allowed** in terms of prayer Clause A(i) and A(ii).

7. We are informed that the management has now attempted to tender a revised proposal to Respondent no. 3 and it is alleged that Respondent No. 3 declined to accept the proposal. We, therefore, direct that the proposal be tendered to respondent no. 3 within a period of 7 working days from today. Respondent No. 3 would be obliged to clear the said proposal with a speaking order within 15 working days thereafter. The actual monitory benefits available to the Petitioner from the day the junior Teacher, junior to the Petitioner, had acquired the Higher benefits under the 6th pay commission recommendations which is dated 24th March 2014. For calculation purposes, we are granting the benefits along with interest at the rate of 4% per annum w.e.f. 1st December 2015 keeping in view that the Judgment delivered in **Sudamrao Aher** (supra) was sustained by the Hon'ble Supreme Court on 17th November, **2015**.

8. Rule made absolute in the above terms.

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9. The teacher junior to the Petitioner got the higher benefits w.e.f. 26.12.2006, after acquiring Ph.D. However, keeping in view the Judgment of the Hon'ble Supreme Court crystallizing

the law on 17th November 2015, we are granting identical benefits to the Petitioner, akin to the Petitioner in the first Petition, including interest benefit w.e.f. 01st December 2015.

10. In both the Petitions, the actual difference in salary would be without interest from the dates the Petitioners became entitled from the date the junior teacher got higher benefits, by applying the principles of step-up. Interest would be calculated from the date 01st December 2015, after the order of the Hon'ble Supreme Court dismissed the SLPs on 17th November, 2015.

11. The **second Writ Petition is also allowed** in view of the above directions. **Rule is made absolute.**

(ABHAY J. MANTRI, J.)

(RAVINDRA V. GHUGE, J.)