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

CIVIL WRIT PETITION NO.13655 OF 2025

Vivekanand Madhukar Desale and ors.Petitioners

Versus

The State of Maharashtra and ors.Respondents

Ms. Kainat Jalil Rakhanghi for the Petitioners.

Mrs. P. N. Diwan, AGP for Respondent Nos.1 to 4 – State.

Mr. Ajit Savagave, for Respondent Nos. 5 and 6.

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

DATE : 22th JANUARY, 2026

P.C. :-

1. These identically placed Petitioners have put forth identical Prayer Clause (B) and (C), which read as under :-

*“[B] The Hon'ble High court may kindly be pleased to issue writ of mandamus or appropriate writ, order, directions in the like nature, thereby directing the respondents, to grant the benefit of promotional scale/One-step pay scale (Ekstar) to the petitioners from the resp. date of their postings in tribal area till they are working in the Tribal/PESA area, as per **Government Resolution dated 06.08.2002 and Government Resolution dated 29.02.2024** and as per judgments of this court, Furthermore the respondents may also kindly be directed to pay arrears of salaries on the basis of One-step pay scale till date.*

[C] The Hon'ble High Court may kindly be pleased to issue appropriate writ, order, directions in the like

*nature, thereby holding and declaring that the petitioners are entitled for One-step pay scale (Ekstar) till they are working in Tribal/PESA area, as per **Government Resolution dated 06.08.2002 and Government Resolution dated 29.02.2024** and consequentially set aside Government Resolution dated. 14.08.2008, to the extent of restricting and refusing the benefits of one step pay scale holding the same to be discriminatory and against the Government Resolution dated 06.08.2002 and Government Resolution dated 29.02.2024.”*

2. We have considered the submissions of the learned Advocates for the respective sides and we have perused the series of orders passed by this Court in favour of similarly situated Petitioners, which have been annexed to the Petition.

3. In view of the above, we do not find any such circumstances, which would convince us to take a different view.

4. The learned Advocates representing the respective parties in those cases (orders which have been annexed to the Petitions), have clearly stated that the order dated 21.12.2021, passed by this Court at the Principal Seat, in Writ Petition No.8824 of 2021 (*Hiralal Jagannath Bawa and others V/s. The State of Maharashtra and others*), is applicable to all such cases.

5. In view of the above, **this Writ Petition is allowed** in the following terms:-

- (i) Respondent No.5/The Education Officer (Primary), Zilla Parishad Palghar, shall scrutinize the records of these Petitioners and the places at which they are deployed for performing their duties, within a period of 30 days from today, considering the Government Resolution dated 29.02.2024.
- (ii) The cases which have no legal impediment after verification, shall be cleared by Respondent No.5 and the salary benefits, to which the Petitioners are entitled to, in the light of the one-step pay-scale made available to the employees working in the Tribal and PESA areas, shall be paid to them along with arrears as well as their current salary, within a period of 30 days, thereafter.
- (iii) After scrutiny, if the Petitioners, on the basis of their record, are 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.

(iv) After such hearing, which shall be completed within 120 days, Respondent No.5 shall pass an appropriate order and grant benefits of one-step pay-scale to those candidates, who are found to be eligible.

(v) The Petitioners, who may 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 the Government Resolution dated 29.02.2024 issued by the General Administration Department.

(ABHAY J. MANTRI, J.)

(RAVINDRA V. GHUGE, J.)