

PHC Mock Test-1 (Legal)



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Date: 13/09/2025

This appeal has been filed against the judgment of High Court of Bombay dated 18.06.2018. Writ petition has been filed by the appellant challenging the order dated 04.12.2014 of Maharashtra Administrative Tribunal. By Resolution dated 01.02.1965, Finance Department, Maharashtra Government decided to constitute Maharashtra Finance and Accounts Service under the administrative control of the Finance Department. The service included different categories of posts. In the District Treasury, there were posts of Senior Clerk as well as Junior Clerk.⁸⁰ By Resolution dated 28.12.1970, procedure for recruitment to the post of Senior Clerk was provided. This also contained one of the modes of appointment on the post of Senior Clerk by promotion of Clerks to be borne on the establishment of District Treasury. By Government Resolution dated 08.06.1995, it was provided that employees holding posts in Group C and D shall be given the pay scale of next promotional post in the promotional hierarchy after completing 12 years of continuous service.¹⁶⁰ Sanction was accorded to grant the pay scale of Deputy Accountant instead of Senior Clerk to the Treasury and Sub-Treasury Clerks under the control of Directorate of Accounts and Treasuries who had passed Maharashtra Account Clerk Examination and completed 12 years of continuous service. In pursuance of the aforesaid Resolution, the respondents herein were granted the pay scale of Deputy Accountant from different dates beginning from 01.10.1994. All the respondents herein were working as a Junior Clerk in District Treasury.²⁴⁰ They received benefits under Government Resolution dated 26.10.2004. An Original Application No. 936 of 2005 was filed in the Maharashtra State Administrative Tribunal, namely, Shri Vijay and others versus The State of Maharashtra and others. The applicants were working as Senior Clerks and Deputy Accountant who were directly appointed on the post of Senior Clerk through Staff Selection Board and on passing the prescribed Departmental Accountant Examination, they were confirmed as Senior Clerk. Thus, we partly allow the appeal. Parties shall bear their own costs.³²⁴

