IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 1776 OF 2020

Anil Raghunath Avhad
VERSUS
The State Of Maharashtra And Others

WITH
WRIT PETITION NO. 1779 OF 2020

Jahagirdar Farukhmiya Abidmiya
VERSUS
The State Of Maharashtra And Others

WITH
WRIT PETITION NO. 13019 OF 2019

Rajendra Narayan Chavan And Others
VERSUS
The State Of Maharashtra And Others

WITH
WRIT PETITION NO. 1785 OF 2020

Mahadev Himmatrao Pardeshi
VERSUS
The State Of Maharashtra And Others

WITH
WRIT PETITION NO. 1786 OF 2020

Dattu Sakharam Jomiwale
VERSUS
The State Of Maharashtra Through Secretary And Others

WITH
WRIT PETITION NO. 1782 OF 2020

Sharad Yadavrao Patil
VERSUS
The State Of Maharashtra And Others

WITH

WRIT PETITION NO. 1777 OF 2020

Nanabhau Himmatrao Shirsath
VERSUS
The State Of Maharashtra And Others

WITH
WRIT PETITION NO. 1778 OF 2020

Rushikesh Naval Patil
VERSUS
The State Of Maharashtra And Others

WITH
WRIT PETITION NO. 1780 OF 2020

Shashikant Nananbhau Mali
VERSUS
The State Of Maharashtra And Others

WITH
WRIT PETITION NO. 1781 OF 2020

Sanjay Mahadu Gavali
VERSUS
The State Of Maharashtra And Others

WITH
WRIT PETITION NO. 1787 OF 2020

Rupesh Ashok Wagh
VERSUS
The State Of Maharashtra And Others

WITH
WRIT PETITION NO. 1788 OF 2020

Shaikh Iftekal Ahmad Iqbal Ahmad
VERSUS
The State Of Maharashtra Through Secretary And Others

WITH
WRIT PETITION NO. 1783 OF 2020

Vishwas Jagannath Patil

VERSUS
The State Of Maharashtra Through Secretary And Others

WITH
WRIT PETITION NO. 1784 OF 2020

Jagdish Dinkar Deore
VERSUS
The State Of Maharashtra And Others
...
Mr. A. S. Savale, Advocate for the Petitioner
Ms. M. L. Sangit, AGP for Respondent No. 1
Mr. S. D. Joshi, Advocate for Respondent No. 3
Mr. A. V. Hon, Advocate for Respondent No. 4

WITH
WRIT PETITION NO. 10987 OF 2024

Jawahar Medical Foundations Annasaheb Chudaman Patil Memorial Medical College
VERSUS
Rajendra Narayan Chavan And Others
…
Mr. A. V. Hon, Advocate for the Petitioner
Mr. A. S. Savale, Advocate for Respondent Nos. 1 to 14
Mr. J. R. Patil, Advocate for Respondent No. 15
***

CORAM : R. M. JOSHI, J
DATE : OCTOBER 06, 2025

COMMON ORDER :

1. These Petitions are filed by Employees and Jawahar Medical Foundation's Annasaheb Chudaman Patil Memorial Medical College (for short '**Medical College**'). The employees seek to challenge clause 'a' of operative part of common judgment and order dated 20.10.2018 passed by Grievance Redressal Committee of Respondent

No. 3/University in Grievance Appeal Nos. 10/2017 to 23/2017. Whereas, Medical College takes exception to clause nos. 'b' and 'c' of the same order.

2. Since the question of facts and law involved in these Petitions are same, by consent of both sides, Petitions are heard together and decided by this common order.

3. Parties are referred to as "Employees" & 'Medical College' for the sake of convenience.

4. It is a case of the employees that they are working as Lab Technician with Medical College, however, being paid salary of Assistant Lab Technician. It is claimed that they were appointed as Lab Technician and not Lab Assistant. This contention of the employees is also based upon further claim that they are performing the nature of duties akin to the duties of lab technicians. It is their further case that around year 2009, there was implementation of 6th pay commission and pay scales of lab assistant and lab technicians were revised. It is contended that Respondent No. 3/University issued directions to all

affiliated colleges and institutions, which are unaided, informing that a Committee is formed in order to fix minimum pay scales on teaching and non-teaching staff of affiliated colleges and they were directed to bring the same to the notice of teaching and non-teaching staff by circular dated 23.07.2015. Pursuant thereto, Committee was appointed in order to discuss the pay scales of teaching and non-teaching staff. It is alleged by the employees that medical college never followed the directions of University and employees were not informed about formation of such any Committee and steps taken for fixation of pay scales. It is alleged that around the same time medical college started mentioning post of the employees as lab assistant in their salary slips. Attempt made by the employees to seek information under the Right to Information Act was unsuccessful. They approached the medical college by filing representation dated 23.03.2016 requesting that since the employees working as lab technicians pointing out that employees working as lab technicians, however, they are excluded from appropriate pay scale of lab technicians from September, 2015. Employees sought appropriate pay scale

from medical college.

5. A grievance is made by the employees that the medical college is selectively implementing 6th pay commission and has excluded the Petitioners/Employees from the rise in salary. They also claim that they are entitled for the salary of lab technicians on the principle of equal pay for equal work. The employees approached this Court by filing Writ Petition No. 10325/2016 to ventilate their grievance. This Court by order dated 03.03.2017 expected the Petitioners/Employees to approach grievance committee first in view of Section 53 of the Maharashtra University of Health Sciences Act, 1998 (for short '**the Act**'). Accordingly, said Petition came to be withdrawn with liberty to move grievance committee. Accordingly, Petitioners/Employees approached the grievance committee by filing Appeal Nos. 10/2017 to 23/2017. By impugned order dated 20.10.2018, grievance committee rejected the claim of the employees in respect of their entitlement as lab technicians as per clause 'a' of the operative part of the order. The employees, therefore, seek to challenge the same in these Petitions.

6. In Writ Petition No. 10987/2024, it is the case of medical college that it is self financed unaided institute. There is no dispute made with regard to the employment of employees and they being working with the medical college for substantial period. It is further case of the medical college that in the year 2015 an inquiry was conducted wherein it was revealed that the employees who are working on the lower post are inadvertently getting higher pay scale. The management, therefore, decided to revise the pay scale as applicable to the employees working on the relevant post. It is also claimed by medical college that non-teaching staff and para medical employee do not possess qualification of B.Sc, which is mandatory to acquire post of lab technicians. It is also claimed that duties of lab technicians and lab assistants are different and that they are not entitled for salary on principle of equal pay for equal work. There is no dispute about the fact that the medical college was heard before grievance committee and order dated 20.10.2018 came to be passed. Medical college takes exception to clause nos. b and c of the operative part of the said order.

7. Learned Counsel for the Employees submits that the employees who were appointed as lab technicians cannot be paid salary of lab assistants and any such adverse change in their service condition is illegal. It is argued that at any point of time no notice was issued by medical college for treating these employees as lab assistant though they were appointed as lab technicians. It is also submitted that the employees are working for years together and they have performed the services to the satisfaction of the medical college. To support his submission that mere non acquisition of requisite qualification does not become a ground for termination of the services or that denial of wages of category as employed to the employees, he made reference to the judgment in case of ***Buddhi Nath Chaudhary vs. Abahi Kumar, 2001 AIR (SC) 1176***. He also placed reliance on the judgment in case of ***Bhagwati Prasad vs. Delhi State Mineral Development Corporation, AIR 1990 Supreme Court 371***. According to him, sum and substance of these judgments is that appointments are made and the employees are allowed to work for considerable long time, it would be harsh to deny them

the payment of respective post on the ground that they lack prescribed educational qualification. It is further argued that this not the case wherein the employment has been secured by employees by suppressing the facts. It is his submission that by lapse of time and experience gained by the employees, they are discharging the work as lab technicians and hence, they are entitled for benefits of the said post. According to him, grievance committee committed error in not accepting the said case of employees and passing impugned order, more particularly, clause no. a of the operative part thereof. It is his submission that having regard to the peculiar facts of the case, the order passed by the clause no. 1 of the order of grievance committee deserves interference and Employees are required to be directed to be paid benefits of post of lab technicians including 6th pay commission.

8. Learned Counsel appearing for Medical College resisted the Petitions filed by the employees and supported his contention for setting aside the clause nos. b and c of the impugned order passed by the grievance committee. It is sought to be argued before

this Court that the prior to denial of salary of lab technicians to the employees who do not have requisite qualification, notices were issued to the employees and the change effected is in compliance of the law. It is his further submission that as per the regulations applicable, the employees for the purpose of holding post of lab technician must possess requisite qualification, which is absent in this case. It is his submission, on instructions, that the medical college has never denied the benefit of 6th pay commission to the employees on the post of lab assistant. It is his further submission that the case of the employees with a regard to equal pay for equal work is not acceptable for the reason that the requisite qualification also becomes relevant consideration for applying the said principle. To support his submissions, he placed reliance on the judgment of Hon'ble Supreme Court in case of ***State of Haryana and Others vs. Charanjit Singh and Others, (2006) 9 SCC 321***.

9. Learned Counsel for Respondent No. 3/University submitted that the nature and scope of the grievance committee cannot be extended to the

adjudication of disputes between the parties. It is his submission that the grievance committee is expected to take into consideration undisputed facts and application of rules and not to adjudicate. According to him, the jurisdiction of grievance committee, therefore, is recommendatory and not adjudicatory. It is his submission that having regard to the scope and jurisdiction of grievance committee and the facts brought before it, there is no reason to cause interference in the impugned order.

10. Learned Counsel for Respondent No. 15 submits that there is recommendation for acceptance of the order of grievance committee.

11. Before considering the correctness or otherwise of the findings recorded by the grievance committee, it would be necessary to take into account the nature and scope of proceedings before grievance committee.

12. Under Section 53 of the Act the grievance committee is constituted in every university to deal with the grievances of the teachers and other employees

of university, college, institutions and recognized institutions, and to hear and settle grievances as far as may be practicable and to make a report to the management council. After hearing the parties, the grievance committee does not take a final decision, but only submits a report to management council and after perusal of the report, the management council takes decision which is final and binding on the parties as per sub-section 2 of section 53 of the Act. The grievance committee and the management council are in-house mechanism provided by the legislature for redressal of grievance of employees.

13. In this regard, reference can be made to the judgment of Division Bench of this Court in case of ***Prakash Sambhaji Waghmare vs. State of Maharashtra and Ors, MANU/MH/3649/2018.*** It has been that the purpose of setting up a grievance committee under Section 53 of the Act is to provide an effective grievance redressal forum to teachers and other employees. The very object is to provide protection against any kind of harassment to teachers and employees. It would be relevant to take note of certain paragraphs of the said judgment, which

reads thus:

> *12. Under Section 57 of the Maharashtra Universities Act, 1994 the grievance committee is constituted in each university to deal with the grievances of the teachers and other employees of the university, colleges, institutions to hear and settle the grievances and to make a report to the Management Council. After hearing the parties the grievance committee does not take a final decision, but, only submits a report to the Management Council and based on the report me Management Council takes the decision. The decision of the Management Council on the report of the grievance committee is final as per sub-section (2) of Section 57 of the Maharashtra Universities Act, 1994.*
>
> *13. The grievance committee under Section 57 of the Act can entertain and consider only those grievances or complaints which are not within the jurisdiction of the Tribunal constituted under the Act. The Tribunal is constituted under the Act of 1994 to deal with the aspect of the dismissal, removal or reduction in rank of an employee at the hands of University or Management Council. For addressing the grievances of the employees other than the dismissal, removal or reduction in rank, the statute has provided for constitution of grievance committee. The grievance committee and the Management Council is an in house mechanism provided by the statute for the redressal of the grievances of the employees. The connotation "to hear and settle grievances" cannot be read in narrow*

> *compass as is sought to be agitated by the learned counsel for the Institution. More over it is not the grievance committee that takes a final decision. It only submits report and on the basis of the report submitted the Management Council takes the final decision. The decision of the Management Council is made final. As finality is attached to the decision of the Management Council, the same would be binding on the parties.*
>
> *14. More over the grievance committee is constituted not under the executive instructions, but is a creature of statute. The powers are bestowed on the grievance committee and the Management Council under the statute. The statute has made the decision of the Management Council on the report of the grievance committee final. As finality is attached to the decision given, the same would be binding on the parties.*

14. It is further observed therein that this Court would not sit as appellate Authority on the report of enquiry committee and decision taken by management council based on report of enquiry committee. Having regard to law laid down by Division Bench of this Court in **Prakash Sambhaji Waghmare** (supra), it could be said that the power of grievance committee is to entertain and ventilate grievance but the same cannot be considered to vest power with the committee to adjudicate the issues.

15. It is thus clear that the grievance committee is expected to entertain the grievance, which is in the nature of non-compliance of rules and in the context of admitted facts, the order could be passed by the grievance committee directing the parties to act upon the same. Needless to say that the powers of adjudication of the claims does not vest with the grievance committee. Herein this case, when it is sought to be claim by the employees that they are entitled for equal pay for equal work of post of lab technician, this involves adjudication of the said dispute since it is denied by the medical college. In such circumstances, it was not open for the grievance committee to decide the said issue.

16. Coming back to facts of case and order impugned, in so far as clause no. a of the order impugned by the employees is concerned, the said portion of the impugned order refused the request made by the employees for the payment of salary of lab technician on the principle of equal pay for equal work. In this regard, in fact it is held by the grievance committee that in the original appeal filed

by the employees, no such prayer was made and such prayer has been sought to be pressed during the course of hearing but without amending the memo of Appeal. It is also held that in support of the said claim no evidence is placed by the employees on record and, therefore, they are not entitled for the said relief as claimed. It is thus clear from the said observation that the grievance committee has shown its inability to decide the issue for want of specific plea being raised so also any evidence being raised in this regard. Since the issue with regard to equal pay for equal work involves adjudication and such adjudication needs to be done by adjudicating authority i.e., Court or forum as provided by law in any case grievance committee could not have decided the said issue. This Court, therefore, finds that though there is no reason to cause interference in the clause 'a' of the impugned order, it needs to be clarified that it would be open for the Petitioners/Employees to raise their claim in respect of their right for equal pay for equal work before appropriate Court/forum.

17. As far as challenge raised by the medical

college to clause nos. 'b' and 'c' of the operative part, it is necessary to reproduce the same, which reads thus:

> ''(ब) तक्रारदार श्री. राजेंद्र नारायण चव्हाण, श्री. महादेव हिम्मतराव परदेशी, श्री. विश्वास जगन्नाथ पाटील, श्री. शशिकांत नानाभाऊ माळी, श्री. शेख इफ्तेखार अहमद इकबाल अहमद, श्री. दत्तु सखाराम जोमीवले, श्री. रूपेश अशोक वाघ, श्री. जगदीश दिनकर देवरे, श्री. जहागीरदार फारूकमिया हबिदमिया, श्री. नानाभाऊ हिम्मतराव शिरसाठ, श्री. संजय महादू गवळी, श्री. अनिल रघुनाथ आव्हाड, श्री. शरद यादवराव पाटील व श्री.ऋषिकेश नवल पाटील यांना माहे सप्टेंबर २०१५ पूर्वी ज्या वेतनश्रेणीनुसार/निश्चित वेतनानुसार वेतन अदा करण्यात येत होते त्याच नियमानुसार वेतनवाढी व इतर अनुषंगिक लाभ विचारात घेवुन वेतन निश्चिती करण्यात यावी व त्यानुसार वेतन व वेतनातील फरकाची रक्कम अदा करण्याबाबत गैरतक्रारदार यांना निर्देशीत करण्यात यावे.
>
> (क) शिक्षकेतर व पॅरामेडीकल कर्मचा-यांना पदोन्नतीच्या संधी उपलब्ध नसल्याने कुंठीतता घालविण्यासंबंधी कालबध्द पदोन्नती देण्याच्या अनुषंगाने गैरतक्रारदार महाविद्यालयाने यथोचित नियमावली तयार करण्याबाबत गैरतक्रारदार यांना निर्देशीत करण्यात यावे.''

18. Clause no. 'b' indicates that the grievance committee has directed payment of salary so also increase therein in accordance with salaries paid prior to September, 2015. While passing said order, it is observed by the committee that except for the employees name in clause no. 10 of the order, in respect of other employees, their post have been changed unilaterally by the medical college. It is held that though it was case

of medical college that said post were held without requisite qualification, the salary payable to these employees is sought to be reduced, which is not provided. It is further observed that after employment for a period over 5 to 23 years in respect of these employees, to effecting such change is illegal. The medical college is unable to show that these findings are inconsistent with facts and law.

19. The said findings recorded by the grievance committee are in consonance with the material placed before it. At no earlier point of time it was case sought to be made out by medical college that the notices were given to employees before effecting adverse change to their service conditions. It is settled position of law that adverse change in the service condition cannot be effected unless the employees is put to the notice thereof and is heard. Though now it is sought to be argued before this Court that notices were given, admittedly neither in the Petition filed by the medical college nor even before the grievance committee any such plea was raised. This Court, therefore, finds no hesitation to reject the

said plea of the medical college at this stage. Having regard to these facts, this Court, therefore, finds no reason to cause interference in the clause 'b' of the impugned order.

20. In so far as clause 'c' is concerned, it is clear therefrom that the grievance committee has suggested for framing appropriate rules for the purpose of providing time frame promotions to the employees, it is observed that the para medical employees and non-teaching staff has no promotional avenues and hence, such direction is issued. Medical college has failed to show anything from record to indicate that there are promotional avenues available to the employees in order to cause interference in the said direction. In the facts of the case the grievance committee was perfectly justified in issuing such directions.

21. As a result of above discussions, the Petitions filed by the Employees as well as Medical College deserve to be dismissed and accordingly dismissed.

22. It is clarified that the dismissal of the

Petitions of Employees would not come in their way to substantiate their case of equal pay for equal work before competent Court of law.

23. Needless to say that time spent in litigation till date, shall be excluded from the computation of period of limitation before appropriate Court/Forum in case of filing of proceeding within a period of eight weeks from today.

(R. M. JOSHI, J.)