



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.10371 OF 2024

1. Suhas Suryakant Satonkar
 2. Gajanan Gopalrao Mandlik
- ... PETITIONERS

VERSUS

1. The State of Maharashtra,
through its Secretary
Higher and Technical Education
Department Mantralaya Mumbai – 32.
 2. The Director of Higher and Technical
Education, Maharashtra State, Pune.
 3. The Joint Director of Higher Education,
Nanded Division, Nanded.
 4. Swami Ramanand Teerth Marathwada
University through its Registrar, Nanded
 5. Sant Janabai Shikshan Sanstha's
Arts, Commerce and Science College,
Gangakhed, Tq. Gangakhed
Dist. Parbhani, through Principal
- ... RESPONDENTS

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Advocate for the Petitioners : Mr. Patil Indrale Anand V.

AGP for Respondent Nos.1 to 3 : Mr. B.B. Bhise

Advocate for Respondent No.4 : Mr. V.P. Latange

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**CORAM : NITIN B. SURYAWANSHI &
ABASAHEB D. SHINDE, JJ.**

Reserved on : 27.07.2026

Pronounced on : 15.09.2026

ORDER (PER: ABASAHEB D. SHINDE, J.) :

1. By this writ petition filed under Article 226 of the
Constitution of India, the petitioners are seeking the following
reliefs :

“(B) By issuing a writ of certiorari or any other appropriate writ, order or directions, the impugned order dated 10/07/2023, (served on petitioners in the last week of August, 2024) issued by the Joint Director of Higher Education, Nanded Division, Nanded, thereby reducing the salary and pay-scale of petitioners be quashed and set aside. Consequently, the salary and pay scale of petitioners be restored as earlier and they be paid arrears of salary as well as regular salary along with all the consequential benefits with interest at the rate of 15% per annum by quashing and setting aside the communication dated 23/07/2024, issued by respondent No. 2 to respondent No. 5-college, and for that purpose necessary directions be issued.

(C) By issuing appropriate writ, order or directions, it be held and declared that, the 100% grant in aid provided to the Computer-science subject of Science faculty of respondent No. 5 College from the academic year 2002-2003 has not been disturbed or cancelled by the Government Resolution dated 04/04/2012. Accordingly, it shall not be deemed that, Computer-science subject of Science faculty in respondent No. 5 College is entitled for 100% grant in aid from 01/04/2012 only. Consequently, the petitioners be paid their arrears of salary, regular salary and other consequential benefits along with interest at the rate of 15% per annum by considering the 100% grant in aid of the Computer Science subject of Science faculty of respondent No.5 College since from the year 2002-2003 and for that purpose necessary directions be issued.”

2. It is the case of the petitioners that they possess requisite qualification of B.Sc., M.Sc. Computer Science. The petitioner No.1 has also acquired a Ph.D. degree, whereas, the petitioner No.2 has registered for acquiring the said degree. Pursuant to advertisements

issued by Respondent No.5 –College, dated 23.07.1998 and 11.07.1999, the petitioners applied for the post of Lecturer in Computer Science. Respondent No.5 after following due procedure and having found the petitioners meritorious and eligible, appointed them to the posts of lecturer in Computer Science. Respondent No.4 – University accordingly granted approval to their appointments. It is further case of the petitioners that the Science Faculty of respondent No.5/College started receiving grant-in-aid in phase wise manner from the year 1997-1998 and eventually it started receiving 100% grant-in-aid from the year 2002-2003. By the Government Resolution dated 04.04.2012 (for the sake of brevity ‘the said Government Resolution’), the State Government in order to remove disparity in the pay scales amongst teachers teaching other subjects and the subjects of Electronics, Computer Science and Physical Education held those subject to be entitled for 100% grant-in-aid from the date prescribed in the said Government Resolution.

3. The petitioners contend that Respondent No.2 – Joint Director of Education vide communication dated 14.02.2013 informed Respondent No.5 – College that though the subject of computer science was not entitled to receive grant-in-aid, the petitioners were receiving the salary, whereas the said Government

Resolution contemplates of sanctioning 100% grant-in-aid to the subject of computer science provided that, the selection of the lecturers is made through duly constituted selection committee and the said lecturers possessing requisite qualification. Respondent No.2 therefore directed Respondent No.5 to stop the salary as they do not possess NET-SET qualification.

4. Being aggrieved by the said communication the petitioners approached this Court by filing Writ Petition No.667/2022 *inter alia* contending that the said communication was issued without giving proper opportunity of hearing to the petitioners. This Court by order dated 17.03.2023 set aside the said communication, thereby, directing Respondent No.3 to grant sufficient opportunity of hearing to the petitioners and other stake holders and then pass the appropriate order. As the directions of this Court were not complied with, the petitioners' filed Contempt Petition No.383/2024 before this Court, however, during pendency of the said Contempt Petition, Respondent No.3, after hearing the parties and relying on the said Government Resolution passed the impugned order thereby reducing the salary of the petitioners. The petitioners, therefore, have approached this Court.

5. Learned counsel for the petitioners submits that the

petitioners were appointed to the post of lecturers after following due procedure of law in the year 1998-1999 and their services have been duly approved by Respondent No.4 – University. Since the science faculty of Respondent No.5 – College was receiving 100% grant-in-aid, the petitioners were paid their salary in prescribed pay scale. Respondent No.3, however, by the impugned communication has reduced the salary of the petitioners by misinterpreting the said Government Resolution. In support of his submission, he relied on the decision of this Court dated 03.05.2018 in the case of ***Ajay s/o Bapuappa Kurhe and Anr. Vs. The State of Maharashtra and Ors., (Writ Petition No.3328/2017)***. He, therefore, urged that the Writ Petition deserves to be allowed.

6. Per contra, learned AGP submits that the subject of Computer Science was not receiving the grant-in-aid till the date of issuance of Government Resolution. The said subject was brought on 100% grant-in-aid for the first time by virtue of the said Government Resolution. Although the petitioners contend that they were receiving salary from Respondent No.5 in prescribed pay scale, the same would be contrary to the Government policy since, the subject of computer science was not receiving the grant-in-aid earlier. He, therefore, urged that the writ petition deserves to be dismissed.

7. We have heard learned counsel for the petitioners and learned AGP for the State and perused the record.

8. Before advertng to the submissions advanced by both the sides it would be apt to reproduce the relevant clause of the said Government Resolution which reads thus :

“१. शासनाने सन १९८८-८९ पूर्वी, तसेच १९८९ ते २३.०१.१९९१ व १९९१ ते जून २००१ पर्यंत ज्या महाविद्यालयांना त्यांच्या विज्ञान व वाणिज्य विद्याशाखांतर्गत संगणकशास्त्र, इलेक्ट्रॉनिक्स व शारिरीक शिक्षण या विषयांना कायम विनाअनुदानाच्या अटीवर परवानगी दिली होती, त्यात सुधारणा करून या शासन निर्णयासोबतच्या परिशिष्ट-अ प्रमाणे संगणकशास्त्र-१०० परिशिष्ट-ब प्रमाणे इलेक्ट्रॉनिक्स-१३, व परिशिष्ट-क प्रमाणे शारिरीक शिक्षण — ४१ महाविद्यालयातील विषयांना अनुदान तत्वात बदल करून दि. १ एप्रिल, २०१२ पासून १००% अनुदानावर आणण्यास मंजूरी देण्यात येत आहे.”

9. Bare perusal of above clause explicitly makes it clear that the subject of Computer Science which the petitioners are teaching was not receiving grant-in-aid initially, for the first time, it started receiving 100% grant-in-aid pursuant to the said Government Resolution.

10. We thus find that the contention of the petitioners that by virtue of the fact that Respondent No.5 – College was sanctioned grant-in-aid in science faculty, the subject of Computer Science also started receiving grant-in-aid is fallacious. The petitioners therefore are neither entitled to receive the salary in prescribed pay scale for the period prior to issuance of Government Resolution nor they can claim the arrears of the salary retrospectively.

11. So far as the reliance placed on the decision of this Court in the case of **Ajay s/o Bapuappa Kurhe** (supra) is concerned, it would be apposite to reproduce relevant observation of this Court which reads thus :

“5. It is also admitted by the Government in its affidavit-in-reply that the Science faculty of the Respondent No.5 College was sanctioned grant-in-aid in the year 1998 and at that time affiliated subject was Computer Maintenance. The affidavit also states that on 11.2.1999, University had communicated and sought consent for change of subject from Computer Maintenance to Computer Science. The same was prior to 2000. The petitioner No.1 is appointed on 27.7.1999 for the subject Computer Science. His appointment is also approved as a Lecturer in Computer Science by the University initially on 30.8.1999 and thereafter on 9.9.2000. Subsequent approval is also granted on permanent basis on 30.8.2001. This would show that the subject Computer Science was recognised by the University prior to the year 2000. It is also to be noted that since the academic year 2004-05 100% grant-in-aid was paid for the subject Computer Science of Respondent No.5 College and the salary of the petitioners were paid from grant-in-aid up to the year 2012. The Government Resolution dated 4.4.2012 may not be relevant as far as petitioner's College is concerned. In view of the fact that the petitioner's College was already receiving grant-in-aid since 2004-05 and the Science faculty of the Respondent No.5 College was given grant-in-aid from the year 1998-99. The subject Computer Maintenance was affiliated subject of Science faculty and the University had also on 11.2.1999 sought consent for the change of subject from Computer Maintenance to Computer Science and thereafter had granted approval to the appointment of petitioner as lecturer in Computer Science.

6. *In view of all the aforesaid facts the Respondent would be estopped by conduct, so also the Respondent after having sanctioned grant-in-aid since the year 1998 to the Science faculty and the subject Computer Science was brought on 100% grant-in-aid in the academic year 2004-05, now can not be allowed to resile. (Emphasis supplied) ”*

12. The aforesaid observations goes to show that the facts of the said case and the present case stands totally on different footing since, in the case of ***Ajay Bapuappa Kurhe*** (Supra), the subject of Computer Science was admittedly receiving 100% grant-in-aid when the petitioners therein were appointed and it is in that context this Court directed to release the grant-in-aid towards the salary of the petitioners therein, holding that the said Government Resolution has no application. Whereas, in the present case the State Government has denied that the subject of computer science was at all receiving the grant-in-aid prior to the said Government Resolution.

13. In view of the above discussion we find that the right to receive salary in prescribed pay scale accrued in favour of the petitioners for the first time by virtue of the said Government Resolution and obviously the same would be made applicable prospectively. We, therefore, do not find any illegality or irregularity in the impugned order which warrants interference of this Court under Article 226 of the Constitution of India. The Writ Petition is

devoid of any substance and the same deserves to be dismissed.

Hence, the Writ Petition is accordingly dismissed.

(ABASAHEB D. SHINDE, J.)

(NITIN B. SURYAWANSHI, J.)