

**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 440 OF 2015

1. Dr. Jeurkar Ramkrishna Keshavrao,
H. No.97 Shivram Nagar Basmath Road,
Parbhani.
2. Dr. Gujar Balwant vinayakrao
10, Shivram Nagar, (North), Varad
Vinayak Parbhani.
3. Dr. Barbind Renukadas Prurshottanrao
Kalyan Nagar, Wasmath Road, Parbhani.
4. Dr. Sontakke Ashok Trimbakrao
Krishi Sarathi Colony Basmath Road,
Parbhani.
5. Dr. Shinde Gangadhar Govindrao
Behind Sonali medical, Gandhie Park,
Parbhani.
6. Dr. Giri Ashok namdev
GIRI Niwas, Kalyan Nagar,
Parbhani.
7. Dr. Karanjkar Laxman Marotrao
55, Prashant Anand Nagar,
Basmath Road, Parbhani.
8. Dr. Deshpande Bhujang Sheshrao
Alhad 96 Shivram Nagar,
Basmath Road, Parbhani.
9. Dr. Mitkari Kalyan Rambhau
C/o. R.P. Garad, Gramsevak Colony,
Shahu nagar, Osmanabad-431501.
10. Dr. Kurundkar Balaji Panditrao
Flat No. 504 wing A-1 Sai Shrudha
Apartment Dhabodi Anbegaon (Bk)
Pune 411006.
11. Dr. Nirmal Dnyanoba Dhondiram

101, Mauli, Kalyan Nagar,
Parbhani.

12. Dr. Wangikar Shamsundar Dattopant
'Guru-Prasad', Krishi Sarathi Colony
Basmath Road, Parbhani.
13. Dr. Kulkarni Ashok Narayanrao
'RADHEY' 376 Vidya Nagar,
Parbhani.
14. Dr. Hudge Vaijnath Shivappa
'Anusaya' Anand Nagar,
Nanded Naka, Nanded Road,
Udgir.
15. Dr. Dahiphale Vinayak Vithalrao
329, Kalyan Nagar, Near Bhoaat Gai Co.
Parbhani.
16. Dr. Borikar Prabhakar Sakharampant
K-10, Shivneri, Tirupati Executive,
Ulka Nagari, Garkheda, Near Sant Eknath
Mandir, Aurangabad.
17. Dr. Kothikhane Rajeshrao Ramchndra
'Jayadri' Row House A-3, Tirupati
Executive Garkheda, near Sant Eknath
Mandir, Aurangabad.
18. Dr. Quadri Shaikh Jafar Shaikh Sarwor
C/o. Shaikh Nisar Akbar Manzail
Opp. Anjani Hotal Ambajogai Road,
Latur.
19. Dr. Hassan Bin Awaz
H. No.934, Osmaniya Colony near
Moidul Musalmeen Hiss School
Parbhani.
20. Dr. Deshpande Prakash Venkatrao
Disha nagari, Flat Jalda A-102,
Beed by pass Road, Aurangabad.
21. Dr. Datar Vinod Vishnupant
D-304 Sai Laurel Park Dnyanesh Park,
Lane-4 Krishna Chowk, Pimpal Gaurav
Pune 411061.

22. Dr. Jondhale Santram Gopalrao
Varad Niwas Basmath Road, Parbhani.
23. Dr. Raut Raosaheb Sakharamrao
Varad Niwas Basmath Road, Parbhani.
24. Dr. Zote Keshav Kashiram
Ramdas nagar, Karegao Raod,
Plot No. 21 Parbhani.
25. Dr. Lomte Maroti Haribhau
"Kondai" Bunglow - Vivekanand
Nagar, CIDCO -N -4 (south) Behind SBI,
Aurangabad.
26. Dr. Tayade Dattaraya Sanduji
B-17, Dakshin Vihar near Kanchanwadi
Paithan Road, Aurangabad 431005
27. Dr. Khwaja Abdul Nayeem
Row House No-1 Saied Boliders park
Buddi lane Rouf colony, Aurangabad.
28. Dr. Jadhav Vilas Tejrao
Plot No-23 Sukhad Sahwas Colony
Sutgirni Chowk Garkheda Parisar
Aurangabad - 5.
29. Dr. Chavhan Ashok Appasahab
64, Vaibhav Nagar Kargaon Raod,
Parbhani.
30. Dr. Kore Sadashiv Shankar
Sharad gram Park Kupwad Road Miraj
416410 (Dist-Ratnagiri)
31. Dr. Pimprikar Yashwant Kishanrao
Flat - E 304 Kasliwal Marvel (West)
Beed by Road, Satra Parisar,
Aurangabad.
32. Dr. Jadhav Govind Satwaji,
243 N-3 CIDCO, Aurangabad.
33. Dr. Mahajan Sharad Vitthal
Dropadi Nagar Kishe, Pimpral Shivar
Jalgaon.

34. Dr. Phuke Kaduba Deorao
N-1, Cidco, Aurangabad.

(Deleted at the oral request of Advocate for
petitioners)

35. Dr. Dakhore Kamaji Manikrao
184, Kailash, Shivram Nagar, (North)
Basmath Road, Parbhani.
36. Dr. Bapat Satish Trimbakrao
C-3/202 Parayeja CIT, Sinhgad Road,
Vadgaon (Bk) Pune 411041
37. Dr. Deshmukh Shrikant Vishwasrao
Staff Quarters, IPMT at Tilkarwadi,
Post Uruli Kanchan,
Dist. Pune 411041.
38. Dr. Zanzad Prabhakar Narayanrao
Nishigandha, Shivram nagar Parbhani
39. Dr. Gujar Mahaling Bhimrao
Saraswati Complex, Basmat Road,
Beside Rajdoot Hotel Shivram Nagar
40. Dr. Deshpande Prabhakar Devidas,
c/o Dr. Ravindra Shankar Joshi, 103,
Abhinav-Sai, T-6 Laxmi Nagar, Nagpur 440022.
41. Dr. Manikrao Krishanrao Sawant
69, Venkatesh Nagar, Kargaon Rd.
Parbhani.
42. Dr. Mohd. Abdul Gaffar
MG Palace, near Masjid
Yousuf Colony, Parbhani.

... PETITIONERS.

VERSUS

1. The State of Maharashtra
Through the Secretary
Agriculture, animal Husbandary,
Dairy Development and Fisheries
Department, Mantralaya Annex,
Mumbai.

2. The State of Maharashtra
Through the Secretary,
Finance Department,
Mantralya, Mumbai.
3. Vasant Rao Naik Marathwada
Agricultural University, Parbhani,
through its Vice-Chancellor,
Parbhani.

... RESPONDENTS.

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Mr. S.V. Adwant, Advocate for the petitioners.
Mr. V.H. Dighe, AGP for the Respondent Nos. 1 and 2.
Mr. M.N. Nawandar, Advocate for respondent No.3.

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**CORAM : S.S. SHINDE &
P.R. BORA, JJ.**

DATE : 10TH APRIL, 2015.

ORAL JUDGMENT [PER S.S. SHINDE, J]:-

1] At the oral request of learned counsel for the petitioners, leave to delete the petitioner no.34 – Dr. Phuke Kaduba Deorao from the array of the petitioners is granted. Amendment be carried out forthwith.

2] Rule. Rule made returnable forthwith. Heard finally by consent of parties.

2] Mr. Adwant, learned counsel submits that vide Government Resolution dated 11th December, 1999, the Government took a decision to award revised pay scale and also increments towards the Career Advance Scheme ("CAS" for short) benefit would be given to

the teachers who had secured Ph.D. degrees. According to learned counsel, as per the said Government Resolution, the effective date of implementation was 1st January, 1996, for those who had acquired Ph.D. degrees earlier to the said date and those who acquired subsequently, it would be from the date they acquired Ph.D. degree. Learned counsel submits that the petitioners have all superannuated and they have acquired Ph.D. degrees prior to 1.1.1996, still, the benefit of career advancement scheme is not given to them.

3] Learned counsel submits that even the Secretary, University Grants Commission, vide its letter dated February 15/23, 2000, has in unequivocal terms stated that the benefit of two advance increments in lieu of Ph.D. degree is available to the teachers who have acquired Ph.D. degree on or before 1.1.1996. Advance increments are part of revised pay scales and same shall be applicable w.e.f. 1.1.1996.

4] Mr. V.H. Dighe, learned AGP submits that the Under Secretary, UGC has recommended and clarified that benefit of two increments to those who have acquired Ph.D. degree on or before the cut of date, will be entitled for the advance increments from 27.7.1998. In the light of that, the petitioners who have completed Ph.D. degree prior to 1.1.1996 will be entitled to benefit of CAS, only from

27.7.1998.

5] There does not appear to be dispute between the parties that the CAS i.e. benefit of 2 increments is available to the petitioners, who have all retired on attaining age of superannuation and that they have completed their Ph.D. degree prior to 1.1.1996. In the light of the said fact, the only dispute is with regard to the date of applicability of the said Government Resolution.

6] This court in various matters, such as W.P. No. 1084 of 2003, vide order dated 1.7.2005, has held that the teachers are entitled for two advance increments w.e.f. 1.1.1996. Said judgment is passed by the Division Bench relying on the judgment of the Kerala High Court.

7] Even the Government Resolution dated 11th December, 1999, which makes the scheme applicable specifically lays down that the revised scales of pay will be implemented w.e.f. 1.1.1996. Even the letter dated 15/23rd February, 2000, states that the advance increments are part of revised pay scales and same would be applicable w.e.f. 1.1.1996.

8] Considering all the aforesaid aspects of the matter, the teachers who have acquired Ph.D. prior to 1.1.1996, will be entitled for benefit of two advance increments towards career advancement scheme w.e.f. 1.1.1996.

9] In the light of the above, we pass the following order :-

[a] The petitioners who have completed their Ph.D. Degree prior to 1.1.1996 shall be given benefit of two increments of Rs.420/-. The respondents shall make the payment of the said benefit of two increments of Rs.420/- w.e.f. 1.1.1996 to the petitioners, with all consequential benefits, expeditiously,

[b] Rule is made absolute in above terms. No costs.

[P.R. BORA, J.]

[S.S. SHINDE, J.]