

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

**WRIT PETITION NO.3178 OF 2003
WITH
CIVIL APPLICATION NO.13642 OF 2010**

Smt. Sharda D/o Navnath Adik,
Age-32 years, Occu:Service,
R/o-Sarswati Colony, Ward No.7,
Shrirampur, Dist-Ahmednagar.

...PETITIONER

VERSUS

- 1) The State of Maharashtra,
Through Secretary,
Higher Education,
Mantralaya, Mumbai,
- 2) The Joint Director of Higher
Education for Pune Division at Pune,
- 3) The Director of Higher Education
for Maharashtra State of Central
Building, Pune,
- 4) The Secretary,
Mula Education Society, Sonai,
Tq-Newasa, Dist-Ahmednagar,
- 5) The Principal,
Shri Dnyaneshwar Mahavidyalaya,
Newasa, Tq-Newasa,
Dist-Ahmednagar,
- 6) University of Pune,
Through Registrar, Ganeshkhind,
Pune.

...RESPONDENTS

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Mr.A.S. Shelke Advocate for Petitioner.
Mr.S.G. Sangle, A.G.P. for Respondent
Nos. 1 to 3.
Mr. V.P. Latange Advocate for Respondent
Nos.4 and 5.

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**CORAM: S.V. GANGAPURWALA AND
A.I.S. CHEEMA, JJ.**

DATE : 17TH APRIL, 2015

ORAL ORDER :

1. Mr. Shelke, the learned counsel for Petitioner submits that the Petitioner was appointed in the year 1994 as full time lecturer in Physics and continued to work as full time lecturer. Approval was also granted to the Petitioner as full time lecturer. However, in the year 2000 on the ground that workload was reduced, the Petitioner was paid on clock hour basis. Again in the year 2004, services of the Petitioner were approved as full time lecturer. The learned counsel submits that as two colleges are being run by the same institution, workload of both colleges

is required to be combined. But the same has not been done by the Respondents. It is illegal to keep the Petitioner on clock hour basis. Even workload of other subjects also can be considered. Learned counsel relies on the Government Resolution dated 27th May 1997. The Petitioner was given half workload in Dnyaneshwar College and half workload in Sonai College. The Petitioner ought to have been paid as full time lecturer and her services should have been considered as full time lecturer.

2. Mr. Sangle, the learned A.G.P. submits that Government Resolution dated 27th May 1997 would not come to the aid of the Petitioner. The Petitioner was also not having requisite qualification. The Petitioner got the Ph.D. only in the year 2011. As the Petitioner was not qualified as not having passed NET/SET Examination, the Petitioner was not entitled to be treated as full time lecturer.

3. We have considered the submissions advanced by the learned counsel for respective parties. The fact that from 2004 the Petitioner is treated and paid as full time lecturer is not in dispute. It is matter of record that Petitioner was appointed as full time lecturer in the year 1994 and continued to be treated as full time lecturer till the year 2000.

4. The Petitioner is continuously in service since 1994. The Petitioner has acquired the qualification of Ph.D. also. Person acquiring Ph.D. is exempted from passing NET/SET Examination. Government Resolution dated 27th May 1997 would come to the aid of the Petitioner.

5. Considering the above, the impugned orders dated 9th May 2003 and 25th June 2003 are quashed and set aside. Petitioner will be treated as full time lecturer continuously since 1994 i.e.

since initial date of appointment. However, the Petitioner would not be entitled for salary of a full time lecturer from the year 2000 till 2004 i.e. the period wherein the Petitioner was directed to work on clock hour basis, as during the said period the Petitioner was paid on clock hour basis. However, said period shall be counted for continuity in service and further monetary benefits henceforth.

6. Rule accordingly made partly absolute. No costs.

7. In view of disposal of Writ Petition itself, nothing survives for consideration in the Civil Application. Civil Application stands disposed of, accordingly.

[A.I.S.CHEEMA, J.]

asb/APR15

[S.V. GANGAPURWALA, J.]