

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.2702/2014

Dr.Uday Baburao Jadhav
Age 39 years, Occu-Service
R/o Warad Niwas, Lokmanya Nagar
Chakur, Tq. Chakur, Dist.Latur

.. PETITIONER

Versus

- 1] The State of Maharashtra
Through its Secretary
Higher Education Department
Mantralaya, Mumbai-32

(Copy to be served on G.P.
High Court of Bombay
Bench at Aurangabad)
- 2] Director of Higher Education
Maharashtra State,Pune
- 3] Joint Director of Higher Education
Nanded Region, Nanded
- 4] Swami Ramanand Tirth
Marathwada University
Vishnupuri, Nanded,
through its Registrar.
- 5] University Grant Commission
Bahadur Shah Jafar Marg,
New Delhi-110002
Through its Secretary
- 6] Lokayat Education Society's
Bhai Kishanrao Deshmukh College
Chakur, Tq. Chakur, Dist.Latur
Through its Principal

.. RESPONDENTS

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Mr.N.S.Kadam,Adv. for petitioner

Mr.G.K.Thigale,AGP for respondent nos. 1 to 3.
Mr.Y.V.Kakade,Adv. for Respondent no.4
Mr.Alok Sharma,Standing Counsel for Respondent no.5
Mr.M.P.Tripathi, Adv. For respondent no.6.

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**CORAM : S.V.GANGAPURWALA &
V.L.ACHLIYA,JJ.
DATE : 23rd February, 2015.**

ORAL JUDGMENT [PER S.V.GANGAPURWALA,J. :

1] Rule. Rule made returnable forthwith. The learned A. G. P. waives notice of rule. With the consent of parties taken up for final hearing.

2] The petitioner impugns the letter dated 6/6/2013 directing to refix the pay scale.

3] Learned counsel for the petitioner states that the petitioner has been conferred with the P.H.D. Degree on 25/12/2009 and is qualified as per notification dated 31/7/2002 issued by University Grants Commission. The petitioner is exempted from passing NET/SET in view of the fact that he possesses PHD. According to the learned counsel, the letter assailed in the present Writ Petition is erroneous and same does not stand to any reason. The recovery cannot be made as there is no case of wrong fixation of the salary. This Court vide its judgment and order dated 28/8/2013 delivered in Writ Petition No.5271/2013 with other connected writ petitions, has already set aside similar communication.

The communication dated 6/6/2013 was also subject matter of the said Writ Petition which is set aside by this Court.

4] It is not disputed by respondent that the petitioner possesses the PHD qualification. The petitioner is granted benefit of senior pay scale so also selection grade and the entries are taken in the service book. The case of the present petitioner is covered by the judgment of this Court dated 28/8/2013 delivered in Writ Petition No.5271/13 with other connected Writ Petitions.

5] For the reasons stated in the judgment in Writ Petition No.5271/13 with other connected Writ Petitions, the impugned communication dated 6/6/2013 issued by Joint Director of Higher Education is quashed and set aside and the same would be ineffective as against present petitioner.

6] Rule accordingly is made absolute in above terms. No costs.

V.L.ACHLIYA,J.

S.V.GANGAPURWALA,J.

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