

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.3363 OF 2014

Dr.Pandit Shambhau Pawar & Ors. ... Petitioners

Vs.

State of Maharashtra & Ors. ... Respondents

Ms.Seema Sarnaik for the Petitioners

Mr.C.P. Yadav, Assistant Government Pleader, for Respondent Nos.1, 2 & 3

**CORAM: SMT. VASANTI A. NAIK &
SHRI C.V. BHADANG, JJ.**

DATE: 24th FEBRUARY, 2015

P.C.:

By this petition, the petitioners challenge the order dated 24.10.2013 declining the benefit of the additional increments after the acquisition of the Ph.D. by the petitioners.

It is the case of the petitioners that the petitioners were entitled to 3 additional increments in pursuance of the Government Resolution dated 27.2.2009 from the date of acquiring the Doctorate degrees i.e., Ph.D.

It is submitted on behalf of the respondents by the learned Assistant Government Pleader by referring to the affidavit in reply that the petitioners would not be entitled to the additional increments as the petitioners were working as Principals and it was necessary for a candidate

to possess the Ph.D. for appointment on the post of Principal. It is stated that the issue involved in this case was also involved in writ petition No.1835 of 2006 and the Division Bench at the Nagpur Bench of the Bombay High Court, had by an order dated 17.12.2008 rejected the petition filed by the Principal.

In reply, it is submitted on behalf of the petitioners that the petitioner No.1 had acquired the Ph.D. Degree on 3.10.1980 and was appointed as a Principal on 15.6.1981, whereas the Petitioner No.2 had acquired Ph.D. on 2.12.1968 and was appointed as a Principal on 1.5.1969 and they are entitled to the additional increments for the intervening period.

On hearing the learned Counsel for the parties, it appears that the relief sought by the petitioners cannot be granted. The issue involved in this case stands answered against the petitioners by the order dated 17.12.2008 in Writ Petition No.1835 of 206. We are not inclined to consider granting the benefit to the petitioner Nos.1 and 2 for a short period of less than 6 months from the date of acquisition of the Ph.D. till the date of their appointment as Principal in the respective colleges. Not only is the period during which they worked as lecturers after the acquisition of the Doctorate degrees, extremely short, but it appears that there is an inordinate delay in filing the writ petition. The petition suffers

from laches as the petitioner No.1 had retired in 2007 and the petitioner No.2 had retired on 13.9.1996. In the facts of the case, the relief sought by the petitioners in the instant petition cannot be granted.

Hence, the writ petition is dismissed with no order as to costs.

(C.V. BHADANG, J.)

(VASANTI A. NAIK, J.)