

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

WRIT PETITION NO. 9879 OF 2015

GAJANAN PRAKASH OTARI,
age 25 years, occu. Service,
r/o Plot No.15, S.T. Colony,
Sundar Nagar, Pimple Road,
Amalner, Taluka Amalner,
District Jalgaon. ... PETITIONER.

VERSUS

1. The State of Maharashtra
through its Secretary,
Department of Surface Transport,
Mantralaya, Mumbai – 400032.

2. Maharashtra State Road Transport
Corporation, Limited through
Divisional Controller,
Divisional Office, Jalgaon Division,
Jalgaon, Tal & Dist. Jalgaon. ... RESPONDENTS.

...
Advocate for Petitioner : Mr.Deshmukh Ravindra M.
AGP for Respondents/State: Mr.D.R. Kale.
Advocate for Respondent 2 : Mr.M.K. Goyanka.
...

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

DATED: 4TH FEB., 2016.

ORAL JUDGMENT: (PER SHINDE, J.)

1. Heard learned Counsel for the parties.

2. Rule, returnable forthwith. By consent of the parties, taken up for final hearing.

3. This petition takes exception to the order of termination dated 16.6.2015 issued by respondent No.2. The learned Counsel for the petitioner submits that the issue raised in this petition is no longer *res integra*. The degree possessed by the petitioner is from Mumbai Hindi Vidhyapeeth, which is recognized as per the Government Resolution dated 28th February, 2007 and accordingly, it is equivalent to B.A. Degree. In that view of the matter, he submits that since the issue raised in this petition is no longer *res integra*, applying the ratio in the judgment delivered on June 24, 2015 by this Court in case of **Pawan Subhash Marale vs The Maharashtra State Road Transport Corporation, Mumbai and others (Writ Petition No.6505 of 2013)**, this petition deserves to be

allowed.

4. On the other hand, learned Counsel appearing for respondent – Corporation, relying upon the Government Resolution dated 14th June, 1999 issued by the Higher and Technical Education Department, Government of Maharashtra and in particular, clause 3(a) thereof, submits that, the contention of the petitioner that the degree possessed by the petitioner is equivalent to B.A. Degree, cannot be accepted. The said equivalence is only recognized in respect of appointment for teaching Hindi subject.

5. We have given careful consideration to the submissions of the learned Counsel for the parties; with their able assistance, perused pleadings and grounds taken in the petition, annexures thereto and all other documents placed on record. The Division Bench of this Court, while disposing of **Writ Petition No.6505 of 2013 - Pawan Subhash Marale vs The Maharashtra State Road Transport Corporation, Mumbai and others**, considering the submissions in paragraphs 1 and 2, reached to the conclusion in paragraph 3 that, the degree of Sahitya

Sudhakar issued by the Bombay Hindi University is equivalent to B.A. Degree and this equivalence is applicable for appointment in State Government and Corporations as per Government Resolution dated 28.2.2007.

Admittedly, in the present case, the petitioner is possessed of B.A. Degree from Mumbai Hindi University.

6. In that view of the matter, for the reasons aforesaid, the impugned order of termination dated 16th June, 2015 stands quashed and set aside. As a corollary, petitioner should be reinstated in service by the respondent – Corporation within four weeks from today.

However, we make it clear that, from the date of termination till the date of reinstatement, the petitioner will not be entitled for salary; however, he will be entitled for continuity of service and all other benefits.

Petition is allowed on above terms. Rule is made absolute, accordingly with no order as to costs.

(P.R. BORA, J.)

(S.S. SHINDE, J.)