

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

10 WRIT PETITION NO. 6329 OF 2016

DHANANJAY RAMAKANT CHAUDHARI
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioner : Mr. Patil Vinod Prakash
AGP for Respondents/State : Mrs. A.V. Gondhalekar
Advocate for Respondents : Mr. G.L. Gujar for R/5 & 6.

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**CORAM : S.V. GANGAPURWALA &
MANGESH S. PATIL, JJ.
DATE : 20.09.2017**

P.C. :-

. The petitioner is initially employed in the Adivasi Seva Sahayak Sanstha, Dhule, Navapur's B.Ed College on 05.08.1995. The said institution, according to the petitioner, was recognized but unaided. It is stated that the services of the petitioner came to be approved by the University as well as the office of Joint Director of Higher Education. The petitioner worked on the said post up to 16.11.2004 without any break in service. The services of the petitioner were also confirmed on 01.09.1998. After the petitioner secured the said qualification the petitioner on or about 17.09.2004 pursuant to the selection process joined as Lecturer at Pratap College, Amalner. The service of the petitioner are approved by the respondent-university w.e.f. 17.11.2004.

The petitioner sought senior scale, grant of continuation of service and grant of increment after continuation in service, higher pay scale (placement) etc. However, the application is not considered as such the petitioner has filed the present petition.

2. Mr. Patil, the learned counsel for the petitioner relies on the Government resolutions dated 22.11.1993, 11.02.1994 and the circular of the U.G.C. dated 27.11.1990, so also the order passed by this Court in writ petition no. 7733 of 2011 dated 25.11.2014.

3. The learned A.G.P. submits that as the petitioner was earlier working with an unaided institution, the service rendered with an unaided institution cannot be considered.

4. We have considered the Government resolutions dated 22.11.1993, 11.02.1994 and the circular dated 27.11.1990.

5. In similar matter, we have considered the said issue and we have held that the services rendered in a recognized unaided institution and the services being approved can be counted for pecuniary purposes such as selection grade pay, considering the continuous service since the initial date of appointment in unaided institution. However, the petitioner is also required to comply with clause 3(C) of the Government resolution

dated 22.11.1993.

6. In light of the above, we pass the following order:

ORDER

- i) The services rendered by the petitioner since 18.08.1995 to 16.11.2004 with respondent-college shall be counted for the purpose of the selection grade pay and for all other purposes. As the petitioner is possessing the necessary qualification, the petitioner would be entitled for the benefit of the pay scale including Selection Grade considering his services from 18.08.1995 as continuous service.
- ii) Needles to state that the petitioner will be entitled for all the benefits. The petitioner shall satisfy compliance of Clause 3-C of the Government Resolution dated 22.11.1993. The respondents on satisfaction of the same, will accord all monetary benefits so also pensionary benefits that the petitioner may be entitled to.
- iii) The respondents shall take action expeditiously and preferably within a period of six months from today.
- iv) Writ petition allowed in above terms.

[MANGESH S. PATIL, J.]

[S.V. GANGAPURWALA, J.]