

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO.1050 OF 2017

Dr. Mohammad Ali s/o Mohammad Azam

Petitioner

Versus

The State of Maharashtra & others

Respondents

Mr.S.R.Kolhare, Advocate for the petitioner.

Mr.A.B.Girase, Government Pleader for Respondent No.1.

Mr.S.G.Chapalgaonkar, Advocate for Respondents No.2 and 3.

Mrs.A.N.Ansari, Advocate for Respondents No.6 & 7.

**CORAM : NARESH H. PATIL, C.J. &
N.M. JAMDAR, J.**

DATE : 13th December, 2018

PER COURT:

1 The learned Counsel appearing for the petitioner submits that the petitioner was appointed as a Lecturer on 1 July, 1995 and he continuously worked in that capacity and he has also improved his qualifications during the course of his service. The petitioner's grievance is that he has not been paid salary according to the pay scale and promotional avenues were denied to him. He made requests to the Management and the Grievance Committee of the Dr.Babasaheb Ambedkar Marathwada University from time to time, but so far, the Management has failed to act in accordance with the decision of the Grievance Committee. During the course of the arguments, the learned Counsel for the petitioner clarified that the petitioner, in fact, seeks to implement the decision of the Grievance Committee.

2 The learned Counsel appearing for the Management submits that the Joint Director of Higher Education did not grant approval to the first appointment of the petitioner, but successive appointment orders were approved by the Registrar of the University. One of the reason, the Counsel for the Management submits, is that petitioner's service book is not available with the Management as, on the request of petitioner, the service book was handed over to him.

3 The learned Counsel for the petitioner submits that a duplicate service book has been constructed and handed over to the Management. The Counsel for the Management submits that in case the petitioner has handed over such a duplicate service book to the Management, in view of the decision of the Grievance Committee, the Management would consider all the issues afresh and take decision in respect of conferment of the selection grade and the payment of the arrears.

4 The learned Counsel for the petitioner submits that the petitioner is not raising a challenge to the order dated 09/15.02.2016 and the petitioner would be satisfied if the decision rendered by the Grievance Committee of the University is implemented.

5 The learned Counsel for the University refers to the Career Advancement Benefit (CAB) to the college teachers. In the communication dated 09.05.2015/16, the petitioner-Dr.Mohammad Azam has been conferred the selection grade in the

pay scale of Rs.12000-18300 with effect from 16.09.2008 as per the letter dated 17.06.2005.

6 The learned Government Pleader submits that as and when such a proposal would be submitted, the State would scrutinise the proposal and would take an appropriate decision in accordance with the decision of the Grievance Committee of the University and as per the provisions of law. The Management to take an appropriate decision as per the statement made by the learned Counsel for the Management, in case the service book is received by the Management, within period of two months from today.

7 With these directions, the writ petition stands disposed of.

N.M.JAMDAR, J.

CHIEF JUSTICE

adb/