

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

WRIT PETITION NO.3946 OF 2019

Ishwar s/o Gurunath Shere

.. Petitioner

Versus

The State of Maharashtra & Ors

.. Respondents

....

Advocate for Petitioner : Shri A.V. Indrale Patil
AGP for Respondents No.1 to 3 : Smt G.L. Deshpande
Respondent No.4 – Served.

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**CORAM: S. V. GANGAPURWALA &
AVINASH G. GHAROTE, JJ.**

DATE : NOVEMBER 19, 2019

PER COURT : -

1. The learned counsel for the petitioner and the learned Additional Government Pleader are *ad idem* and the petitioner is similarly situated as the petitioner in Writ Petition No.1309 of 2014 decided under order dated 09.12.2014 and submit that the similar order may be passed in the present matter.

2. Mr. Patil, the learned counsel submits that the petitioner was appointed in the year 1994 for Electronic subject. The petitioner was appointed on grant-in-aid post and is paid salary since then. The Government was not giving grant in aid to other Colleges for the Electronic subject and in 2012, took policy decision to advance

benefit of grant-in-aid to all the Colleges for Electronic subject and as such the petitioner's services are treated from the year 2012. The impugned orders are passed treating the services of the petitioner with effect from 2012. The learned counsel submits that in view of Government Resolution dated 22.11.1993, the past service in an unaided institution is also required to be counted. The learned counsel further submits that the appointment of the petitioner is approved and the salary is paid from the government grants.

3. The learned Asstt. Govt. Pleader supports the impugned order and states that rightly the salary is reduced in view of the fact that Government took a policy decision to advance grant-in-aid to the Electronic subject for the first time in the year 2012.

4. While passing the impugned orders, it does not appear that, the authority has considered that the petitioner is working on grant-in-aid post since the year 1994. Even the Government Resolution dated 22.11.1993 has not been considered. The authority is required to consider the factual aspect of the matter before arriving at the conclusion. It is undisputed that the petitioner was drawing salary in the pay-scale of Rs.27,530/- and vide the impugned order the same is reduced to Rs.15,600/-, that too without notice to the petitioner.

5. In light of the above, we pass the following order.

a) The impugned orders are quashed and set aside. The respondent authority shall consider the factual matrix after hearing the petitioner, so also the relevant Government Resolution before passing any further orders with regard to the entitlement of the pay scale of the petitioner. The petitioner shall appear before the Respondent No.3 on 04.12.2019. The respondent no.3 shall take decision with regard to the pay-scale after hearing the petitioner and the Management. The learned counsel also relies on the communication dated 11.11.2014 issued by the Joint Director to the Director of Education. The decision shall be taken within four months from the date of appearance on 04.12.2019.

b) Writ petition is disposed of. No costs.

[AVINASH G. GHAROTE]
JUDGE

[S. V. GANGAPURWALA]
JUDGE