

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

917 WRIT PETITION NO.7223 OF 2019

SHRI TILOK JAIN DNYAN PRASARAK MANDAL THROUGH ITS
SECRETARY ..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

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Mr. Prashant R. Nangare, Advocate for the
Petitioner.

Mr. S. B. Pulkundwar, AGP for Respondents-State.

Mr. Sanjeev B. Deshpande, ASG for Respondent No.6.

Mr. S. V. Adwant, Advocate for Respondent Nos.3 to
5.

Mr. S. S. Jadhavar, Advocate for Respondent No.3.

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

DATED : 9th JULY, 2019.

PER COURT:-

1. Mr. Nangare, learned counsel for the petitioner submits that the only reason for reducing the intake capacity of the petitioner from 60 to 48 is that the petitioner-Institution has not made payment to the employees as per the 6th Pay Commission Pay Scale.

2. According to the learned counsel against the judgment and order passed by this Court directing the petitioner to pay the arrears to the employees as per the 6th Pay Commission from 2012

onwards is sought to be reviewed and the Review Application is pending before this Court. The learned counsel submits that, in case, if the review of the petitioner is dismissed, then the petitioner would comply the order. The petitioner already is granted an extension of approval from Pharmacy Council of India up to the year 2020-2021 for 60 students. The learned counsel submits that for five preceding years, the petitioner has admitted 60 students.

3. Mr. Adwant, learned counsel for AICTE submits that apart from the deficiency of non-payment of salary as per the 6th Pay Commission, the other deficiencies also exist. The same have been culled out in the order:

- i. Faculty not paid as per VIth pay Commission.
- ii. Deficiencies in following areas:
Classroom + Laboratory + Tutorial Rooms + Amenities area + Administrative area + Instructional area
- iii. Major deficiencies related to Infrastructure and salaries as per IVth Pay Commission are not complied with.

4. In fact this Court in a writ petition filed by the employees had directed the petitioner-Institution to pay employees salary as per 6th Pay Commission and the arrears from the year 2012. The petitioner was directed to pay the same within three months. More than six months have lapsed, the petitioner has not complied the order. The

fact remains that the petitioner has not paid the salary as per 6th Pay Commission. More over, the stand of the petitioner is that, if the Review is dismissed, then they would pay the salary as per the 6th Pay Commission also does not stand to any reason. The petitioner has not given any categorical assurance that the salary as per 6th Pay Commission would be paid. Be that as it may, the fact remains that the order of this Court is not complied with and the salary as per 6th Pay Commission has not been paid. The salary as is fixed by the AICTE has not been paid to the employees. The said deficiency exists. No undertaking is given that the said arrears would be paid within the particular time frame also to show the bonafide.

5. It is not the case that, the petitioner has been placed under no admission category for the deficiency. The intake capacity is reduced by 20%. The order appears to be reasonable.

6. In light of the above, no case for interference is made out.

7. Writ Petition is disposed of. No costs.

(MANGESH S. PATIL)
JUDGE

(S. V. GANGAPURWALA)
JUDGE