

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 9391 OF 2018

BALASAHEB BABURAO DESHMUKH
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioner : Mr. Pisal Pramod A.
AGP for Respondents No. 1 to 3 : Mr. V. M. Kagne
Advocate for Respondents No. 4 & 5 :
Mr. R. D. Bhalerao

...

CORAM: S. V. GANGAPURWALA &
MANGESH S. PATIL, J.

DATE: 05th AUGUST, 2019

PER COURT:

1. Mr. Pisal, learned counsel for the petitioner submits that the full time post with the respondents was available from the year 2003-2004. The petitioner has been given permanent approval as full time lecturer by the Pune University subject to clearing NET/SET examination on 15.06.1999. According to the learned counsel, in the year 2008, the three post of B.A. first year and the additional second division of B.A. second year started receiving 100% grant in aid, thereby, the petitioner along with one more lecturer become

entitled to receive 100% salary. On or about 14.05.2009, respondent no. 4 College sent letter to respondent no. 3 to appoint the petitioner as full time lecturer along with full salary and arrears from 2003-2004. On or about 26.09.2011, respondent no. 3 granted approval to the appointment of the petitioner as full time lecturer. The petitioner approached the grievance redressal committee of respondent no. 3. Respondent no. 3 allowed the complaint of the petitioner and directed to grant arrears as claimed by the petitioner. The learned counsel submits that as the post was available since the year 2003-2004 the petitioner ought to be treated as full time lecturer and the salary is required to be revised in that matter.

2. Mr. Kagne, the learned A.G.P. submits that the petitioner was working as a part time lecturer. The college submitted the proposal to respondent no. 3 to appoint the petitioner as full time lecturer. The University of Pune granted

approval to the appointment of the petitioner as full time lecturer and also granted exemption from appearing for NET/SET examination since 13.04.2011. On the basis of the approval granted to the petitioner the Joint Director, Higher Education, Pune under its letter dated 26.09.2011 consented for conversion of the post of part time to full time since 26.09.2011.

3. We have considered the submissions canvassed by the learned counsel for the respective parties.

4. It is not disputed that the office of the Joint Director, Higher Education, Pune for the first time under letter dated 26.09.2011 consented for the conversion of the post of part time held by the petitioner as full time since 26.09.2011. At the relevant time, the undertaking was also given by the petitioner that he will not claim actual monetary benefits from the State nor the arrears. The petitioner has been granted approval as a full time lecturer from 26.09.2011 by the

Joint Director, Higher Education, Pune. Perusing the order of the grievance committee it appears that the petitioner has worked as full time lecturer from 26.09.2011.

5. Considering the above, we pass the following order.

6. The Joint Director of Higher Education, Pune shall consider as to whether the post on which the petitioner was working was admissible for full time since 2003-2004, if yes, then the period from 2003-2004 to 2011 be counted notionally for the purpose of pay fixation, though the petitioner shall not be paid arrears of salary from 2003-2004 to 2011. The same shall be considered expeditiously and preferably within a period of six (06) months.

7. Writ Petition is accordingly disposed of. No costs.

[MANGESH S. PATIL, J.] [S. V. GANGAPURWALA, J.]
marathe