

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
26 WRIT PETITION NO.12784 OF 2018**

VENKATRAO BAPURAO TAK

..PETITIONER

VERSUS

VASANTRAO NAIK MARATHWADA AGRICULTURAL UNIVERSITY
PARBHANI THROUGH REGISTRAR AND ORS ..RESPONDENTS

...

Mr. Krushna P. Rodge h/f Mr. Pratap G. Rodge,
Advocate for the Petitioner.

Mr. Manish N. Navandar, Advocate for Respondents
No.1.

Mr. Siddharth R. Deshpande, Advocate for Respondent
No.2.

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**CORAM : S. V. GANGAPURWALA &
ANIL S. KILOR, JJ.**

DATED : 10th OCTOBER, 2019.

PER COURT:-

1. We have heard Mr. Rodge, learned counsel for the petitioner.

2. According to the learned counsel, the petitioner is entitled for CAS benefit that is pay scale of the post of Professor. The learned counsel submits that the petitioner was promoted to the post of Associate Professor under order dated 14.11.1991 and officiated as an Associate Professor till the date of his retirement on 30.11.2001. The learned counsel submits that a person working for eight years continuously as an Associate Professor is entitled for the pay scale of Professor. The learned counsel relies on the scheme for Career

Advancement of Teachers effective from 01.01.1996. The learned counsel submits only on the ground that the petitioner was temporarily promoted as an Associate Professor the claim of the petitioner is negatived.

3. Mr. Navandar, learned counsel for respondent no.1 and Mr. Deshpande, learned counsel for respondent no.2 submit that the petitioner was not regularly promoted as an Associate Professor. The Vice Chancellor has temporarily promoted the petitioner as an Associate Professor. The same was a stop gap arrangement. For a person to claim CAS benefit he has to be regularly promoted by duly constituted selection committee. The learned counsel further relies upon the Clauses C and D of the scheme for Career Advancement of Teachers applicable to the respondent-University to submit that on completion of eight years as an Associate Professor, the person is not entitled to the scale of Professor automatically, but he is only eligible to be considered for CAS benefit upon completion of eight years as Associate Professor. The selection committee has to consider the eligibility of such person to be awarded CAS benefit. It is further submitted that the petitioner has also not submitted the books, journals and other requirements which is necessary to be considered for the grant of CAS benefit. The learned counsel rely on the judgment of the Division Bench of this Court in Writ Petition No.7364/2008 dated

26.02.2010.

4. According to the learned counsel for the petitioner the petitioner had submitted all the relevant books, journals necessary to consider the grant of CAS benefit.

5. It is undisputed that the petitioner is promoted as an Associate Professor temporarily under the order dated 14.11.1991. The petitioner continued to officiate as an Associate Professor till the date of his retirement that is on 30.11.2001. The petitioner retired as an Associate Professor of the University. For 10 long years the respondents allowed the petitioner to officiate as an Associate Professor.

6. It is not that, by virtue of the length of his service as Assistant Professor, the petitioner was designated as an Associate Professor. The petitioner was promoted to the post of Associate Professor though temporarily under orders of the Vice Chancellor. In Writ Petition No.7364/2008 relied by the respondents, the Court was considering the cases wherein because of the length of service the persons were designated as Associate Professor. In the present case the petitioner is promoted to the post of Associate Professor and continued to officiate the said post for 10 years continuously without any interruption. He is allowed to retire as Associate Professor by the

University. It would be too late in the day for the respondents now to turn around and contend that the petitioner has not officiated as an Associate Professor.

7. The petitioner possesses the necessary qualification to hold the post of an Associate Professor. The petitioner possesses Ph.D. qualification also.

8. Considering the above, the petitioner is entitled to be considered for the CAS benefit of the post of Professor.

9. The completion of eight years is not the only criteria. According to the respondents for grant of CAS, even if, the person has officiated as an Associate Professor for eight years and more, the selection committee has to consider the eligibility of the petitioner for grant of CAS benefit of Professor.

10. In light of the above, we direct the expert committee / selection committee to consider the case of the petitioner for grant of CAS benefit. They shall consider the petitioner eligible to be considered for grant of CAS benefit of Professor upon his completing eight years of service as an Associate Professor. The selection committee certainly will consider other aspects of the matter such as books, journal, publication as

is required.

11. The same shall be considered by the respondents preferably within a period of six months. The petitioner is permitted to submit with the University the necessary documents.

12. Writ Petition is disposed of. No costs.

(ANIL S. KILOR)
JUDGE

(S. V. GANGAPURWALA)
JUDGE