

Sequeira

*IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION*

WRIT PETITION NO. 7989 OF 2016.

Dr.Pandey Munish Shayamnarayan .. Petitioner
Vs
The State of Maharashtra and others .. Respondents

Mr.C.R.Sada Shivan i/b N.M.Ganguli, for the Petitioner.

Mr.P.P.Kakade – Government Pleader a/w Mr.M.M.Pabale –
Additional Government Pleader, for Respondent No.1.

Mr.P.M.Palshikar, for Respondent No.2.

***CORAM : PRADEEP NANDRAJOG, C.J. &
N.M.JAMDAR, J.***

Date : 24 June, 2019.

P.C. :

1. The Writ Petition can be disposed of at the admission stage itself for the reason, the facts and the legal position are not in dispute.

2. The Petitioner was appointed as a lecturer in the 4th Respondent College, established by the 3rd Respondent Trust. The appointment was approved of by the University of Mumbai, on 13 December 1995. Having got himself registered with Magadh

University, Bodh Gaya, Bihar, for a Doctorate in Physics, the Petitioner was granted a Ph.D degree by the said University on 22 December 2003. As a result of acquiring the Ph.D degree, Petitioner's entitlement for being granted the benefit of acquiring the higher degree required an approval from the Joint Director of Higher Education. On 31 December 2004, the Respondent No.4 forwarded the necessary papers to the University of Mumbai. The file concerning the Petitioner reached the office of Joint Director Higher Education and this is where the problem started. The file containing the Service Book got misplaced in the office of the Joint Director Higher Education. In the year 2013, the Petitioner's entitlement to be considered for grant of benefit under the Career Advancement Scheme also matured. In the absence of the Service Book, neither Petitioner's entitlement on obtaining higher educational qualifications nor of Career Advancement could be considered and this led the Petitioner to file the instant Writ Petition in the year 2016 praying that the Service Book of the Petitioner be constructed for grant of benefit on acquiring the higher educational qualification followed by benefit under the Career Advancement Scheme to be considered.

3. During the pendency of the Writ Petition the Service Book has been reconstructed but no steps have been taken to take the matter forward i.e. to consider Petitioner's entitlement for benefit of acquiring higher educational qualifications in the year 2003

followed by Career Advancement Scheme as envisaged under the Career Advancement Scheme.

4. Thus, we dispose of the Petition directing the first and the second Respondent to firstly : consider entitlement of the Petitioner on acquiring the Ph.D degree in December 2003, secondly to consider Petitioner's entitlement under the Career Advancement Scheme as of the year 2013 when Petitioner rendered the qualified service.

5. Necessary exercise shall be conducted by the first and the second Respondent within four months from today. Whether the Petitioner has acquired a Ph.D degree which is recognised shall be considered. Such financial benefits which accrue to the Petitioner shall be quantified and paid within further two months thereafter if he is found entitled thereto. If found to be payable and not paid within two months, the same shall be paid with simple interest @ 8 % p.a. reckoned five months here-in-after till payment is made.

N.M.JAMDAR, J.

CHIEF JUSTICE