

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION NO.113 OF 2003

The Maharashtra Federation of
University & College Teachers'
Organisations and another

..Petitioners

Versus

The State of Maharashtra and others

..Respondents

Mr. Mihir Joshi, Advocate for the Petitioners.

Ms. Jyoti Chavan, AGP for Respondent Nos.1 to 7 – State.

Ms. Minal Chandnani, Advocate for Respondent No.48.

Mr. Onkar Mane I/by Mr. Uday Warunjikar, Advocate for Respondent No.70.

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

DATE : 15th JULY, 2019

P.C.

1] The Petitioners are employees of Unaided Technical Institutions and the grievance is that whereas Government employees got benefit of the recommendations of the 5th Pay Commission vide Government Resolution dated 18.12.1999 even the employees of Unaided Technical Institutions were granted same benefit from 01.01.1996 which was withdrawn when Government Resolution dated 04.10.2000 was issued directing that benefit be granted with effect from 01.08.2000.

2] In the decision reported as (2005) 13 Supreme Court Cases 407 Shivaji Shikshan Prasarak Mandal and Ors. Vs. State of Maharashtra and Ors. the Supreme Court recognized withdrawal of the benefit to pay salary as per recommendations of the 5th Pay Commission qua unaided schools on account of liability being cast anti-dated on the management. The said decision upheld the benefit to be accorded with effect from 01.08.2000.

3] For parity of reasoning, we dismiss the Writ Petition.

N. M. JAMDAR, J

CHIEF JUSTICE