

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

WRIT PETITION NO. 8833 OF 2012

Mahatma Gandhi Mission,
N-6, CIDCU, Aurangabad & Anr.

.... Petitioner

Versus

The State of Maharashtra & Ors.

.... Respondents

.....

Shri. A. D. Sonkawade h/f Shri. Hon, Advocate for the petitioners
Shri. S. N. Kendre, AGP for respondent/State
Shri. S. g. Chapalgaonkar, Advocate for respondent No. 3

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**CORAM : SUNIL P. DESHMUKH
AND
B. U. DEBADWAR, JJ.**

DATE : 27TH JANUARY, 2020

PER COURT:-

. After having heard learned counsel for appearing parties for sometime, it emerges that, the very same order which has been impugned in the present petition, to be precise, order bearing no. 214 issued by the Vice-Chancellor dated 29-08-2009, in exercise of the powers conferred upon him under Section 14 (8) of the Maharashtra Universities Act, 1994, had been considered by the Apex Court in Civil Appeals bearing no. 117-118/2017 and Civil Appeals no. 119-120/2017, whereunder the Supreme Court has observed thus:

26. *The 1999 Rules provided for the revision of the pay scales of the non-teaching employees of the non-agricultural universities and affiliated colleges. They did not make any distinction between employees of aided affiliated colleges and non-aided affiliated colleges. They apply uniformly to both categories of affiliated colleges, while specifically excluding certain classes of employees.*

67. *From the language of sub-section (8) to Section 14, the Vice-Chancellor could have issued such order if only the Universities Act authorised making of Statutes, Ordinance or Regulations dealing with the service conditions (including pay-scales) of the employees of the affiliated colleges. No specific provision under the said Act which authorised making of either Statutes, Ordinance or Regulations dealing with the service conditions including the pay-scales of the employees of the affiliated colleges is brought to our notice. On the other hand, Section 8(3) expressly authorises the State Government to make rules with respect to the service conditions of the employees (teaching and non-teaching staff) of the affiliated colleges. Therefore, in our opinion, the order of the Vice-Chancellor dated 29.08.2009 is superfluous and without any authority of law.*

2. Having regard to aforesaid, on the very same order the Supreme Court has opined that the order of the Vice-Chancellor is superfluous and without any authority of law, the same is inefficacious as well in present petition. Having regard to further observations of the Supreme Court in said order, prayer clause 'C' has been rendered infructuous.

3. In view of aforesaid, writ petition stands disposed of.

[B. U. DEBADWAR]
JUDGE

[SUNIL P. DESHMUKH]
JUDGE