

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

WRIT PETITION NO.6660 OF 2018

1. Dr. Nitin S/o Choudaman Jadhav
Age: 40 years, Occu.Service,
R/o Flat No. 204, Shivnayan Apartment
Dharmadhikari Mala, Savedi,
Ahmednagar, Dist. Ahmednagar
2. Dr. Manojkumar Vithalrao Choudhari
Age: 43 years, Occu:Service
R/o B-14, Shrawan Apartment
Opp.P.L.Deshpande Garden,
Sinhagad Road, Pune
3. Dr.Prakash S/o Bajirao Thombre
Age: 45 years, Occu: Service
R/o Plot No.150, Near Sant Tukaram
Garden, Sector No. 24A, Pune
4. Dr.Aparna Prasanna Sole
Age: 46 years, Occu:Service,
R/o A-1/4/5, Yashodhan Society
Chintamani Nagar-2, Bibwewadi
Pune
5. Dr.Bhim S/o Rajaram Gaikwad
Age: 58 Years, Occu:Service
R/o 404, Daulat Nagar, Phase No.2
Sun City Road, Wadgaon(Bk)
Sinhagad Road, Pune
6. Dr.Anand S/o Krushnahari Madgundi
Age: 44 years, Occu:Service
R/o Sanjeevani Niwas, Telangi Paccha
Peth, Near Jagdamba Peth
Solapur, Dist.Solapur

7. Dr.Vinod S/o Dattarao Patange
Age:44 years, Occu.Service
R/o S.N.O. 414, Plot No.6
Karanje Tarf, Shahu Puri,
Satara,Tq.& Dist.Satara

PETITIONERS

VERSUS

1. The State of Maharashtra
through its Secretary,
Department of Medical Education
Mantralaya, Mumbai-32
2. The Director of Ayurved
Dr. Thadani Marg, Khanna Construction
House, Worli, Mumbai-19
3. The Maharashtra University of
Health Sciences, Nasik
Through its Registrar
4. Gangadhar Shashtri Gune Ayurvedic
College,Ahmednagar
Through its Principal

RESPONDENTS

Mr Y.S. Choudhari, Advocate for the petitioners;
Mr S.B. Yawalkar, A.G.P. for respondent/State;

**CORAM : PRASANNA B. VARALE &
ANIL S. KILOR, JJ.**

DATED : 13th JANUARY, 2020

ORAL ORDER:

The present petition is filed on behalf of the
petitioners who are admittedly working in the private

aided institutions, namely, private Ayurveda Colleges in the State of Maharashtra.

2. It is the submission of the petitioners that the petitioners were granted benefits of Academic Grade Pay Scheme from Rs. 6000/-, Rs.7000/- and Rs. 8000/- in the month of January, 2018 and suddenly again the petitioners were reverted back and were given Academic Grade Pay of Rs. 6000/-. It is also the submission of the petitioners that the petitioners were complying with all the requisite conditions referred to in Government Resolution dated 8th September, 2011. There is a reference of writ petition filed in this Court bearing Writ Petition No. 2448 of 2015 to submit that the petitioners are similarly circumstanced with those petitioners in Writ Petition No. 2448 of 2015.

3. Perusal of the communication impugned in the petition dated 1st February, 2018 shows that certain instructions were issued by way of notification dated 2nd

July, 2015 and treating the reference as directions, the benefits were granted to the petitioners and by communication dated 1st February, 2018, it is informed to the Director of AYUSH Sanchanalaya that as erroneously reference is being treated as directions and benefits are granted, it is necessary to withdraw these benefits and communication further refers that separate orders would be issued seeking recovery of the monetary benefits. In continuation of the communication dated 1st February, 2018, office order is issued on 6th February, 2018 whereby, the directions are issued to refix the pay scales and submit the compliance report. The office order dated 6th February, 2018 also refers to the cancellation of earlier office orders dated 31st August, 2017, 15th February, 2017, 6th March, 2017, 21st August, 2017 and 26th September, 2017.

4. Being aggrieved by these two communications, the petitioners were before this Court. It may not be necessary for us to refer other details of the petition

on the backdrop of the fact that the petitioners today placed on record a communication forwarded to the Director of AYUSH Sanchanalay through the Deputy Secretary of State of Maharashtra dated 26th July, 2019. The communication dated 26th July 2019, is taken on record and marked 'X' for identification. Perusal of this Communication shows that reference is made to the communication dated 1st February, 2018 which is impugned in the present petition. It is stated in the communication dated 26th July 2019, certain directions were issued by communication dated 1st February 2018 and then separate orders were passed for seeking the recovery of the benefits granted to the petitioners and the implementation was expected of. It is further stated in the communication that directions were by way of communication dated 1st February, 2018 were running contrary to earlier State Government decision dated 10th November, 2009 except the decision of grade pay scale in respect of Associate Professors. Then the communication concludes with a direction that the Government decision

dated 10th November, 2009 and as per directions in communication dated 29th March, 2010 and 17th January, 2012 based on the earlier communication dated 10th November, 2009 necessary steps be taken in respect of protecting the pay scales to the Associate Professors including Academic Grade Pay. As the communication dated 26th July, 2019 nullifies the effect of communication dated 1st February, 2018, the grievance raised in the petition no more survives is the submission of learned Counsel for the petitioners.

5. In view of the submissions of the learned Counsel for the petitioners, we see no reason to pass any further order in the present petition and the petition is accordingly disposed of in view of the submission of the learned Counsel for the petitioners.

[ANIL S. KILOR, J.]

[PRASANNA B. VARALE, J.]