

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

**REVIEW APPLICATION STAMP NO. 24597 OF 2019
IN
WRIT PETITION NO. 6958 OF 2019**

The State of Maharashtra and another .. Applicants
Versus
Uttamrao Manikrao Jaybhaye .. Respondent

**WITH
CIVIL APPLICATION NO. 9841 OF 2019
IN
REVIEW APPLICATION STAMP NO. 24593 OF 2019
IN
WRIT PETITION NO. 6956 OF 2019**

The State of Maharashtra and another .. Applicants
Versus
Sunil Vishwanathrao Modak .. Respondent

**WITH
CIVIL APPLICATION NO. 9843 OF 2019
IN
REVIEW APPLICATION STAMP NO. 24599 OF 2019
IN
WRIT PETITION NO. 6961 OF 2019**

The State of Maharashtra and another .. Applicants
Versus
Sandeep Vishwanath Shinde .. Respondent

**WITH
CIVIL APPLICATION NO. 9844 OF 2019
IN
REVIEW APPLICATION STAMP NO. 24591 OF 2019
IN
WRIT PETITION NO. 6960 OF 2019**

The State of Maharashtra and another .. Applicants
Versus
Pravin Siddheshwar Shete .. Respondent

WITH
CIVIL APPLICATION NO. 9845 OF 2019
IN
REVIEW APPLICATION STAMP NO. 24601 OF 2019
IN
WRIT PETITION NO. 6955 OF 2019

The State of Maharashtra and another .. Applicants
Versus
Parshuram Vitthalrao Pawar .. Respondent

WITH
CIVIL APPLICATION NO. 9846 OF 2019
IN
REVIEW APPLICATION STAMP NO. 24603 OF 2019
IN
WRIT PETITION NO. 6962 OF 2019

The State of Maharashtra and another .. Applicants
Versus
Balasaheb Rangnathrao Dahiphale .. Respondent

Shri P. S. Patil, Addl.G.P. for Applicants in all matters.
Shri S. G. Chapalgaonkar, Advocate for the Respondent in all matters.

CORAM : S. V. GANGAPURWALA AND
MANGESH S. PATIL, JJ.
DATE : 10TH JANUARY, 2020.

FINAL ORDER :

. Mr. Patil, the learned Additional Government Pleader for applicants submits that, this Court on the basis of judgment in Writ Petition No. 1273 of 2018 dated 11.02.2019 has allowed the

writ petitions filed by the present non applicants and awarded five non compounded advance increments as per clause 7(i) of the Government Resolution dated 12.08.2009. However, in the present cases clause 7(iv) of the Government Resolution dated 12.08.2009 would apply. The petitioners' past services have been considered while protecting their pay scale and appointing the petitioners to the post of Associate Professors. In view of that, past services were considered. In Writ Petition No. 1273 of 2018, the past services of the petitioner therein was not considered. As such, same was not relevant judgment in deciding the writ petitions of the present non applicants.

2. Mr. Chapalgaonkar, the learned counsel for the respondents/non applicants submits that, present non applicants were appointed after undergoing fresh selection process and not on the basis of past service. Only for pay protection past service was considered. According to the learned counsel, this issue is also considered by the Division Bench of this Court at Nagpur in Writ Petition No. 3300 of 2010 dated 15.03.2018 and the same was also relied in the writ petition.

3. We have considered the submissions canvassed by the learned counsel for respective parties. In fact, the petitioners herein are similarly situated as petitioner in Writ Petition No. 3300 of 2010 decided by the Division Bench of this Court at Nagpur under judgment dated 15.03.2018. Para No. 13 of the said judgment reads thus :

“13. In view of this discussion, pay protection becomes an independent exercise which has got no bearing of advance increments. Advance increments are to be granted only to a teacher in Junior College, who is recruited as lecturer with Ph. D., while pay protection is admissible to even a teacher without such Ph. D.”

4. It is submitted that, the judgment of the Division Bench of this Court at Nagpur in Writ Petition No. 3300 of 2010 has been implemented by the State and benefits as per the judgment have been accorded to the said petitioner. In the light of the pronouncement of the Division Bench of this Court at Nagpur, there is no error apparent on the face of record. The review applications as such are disposed of. No costs.

[MANGESH S. PATIL, J.]

[S. V. GANGAPURWALA, J.]

bsb/Jan. 20