

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.10583 OF 2022

SUDHIR MADHUKAR VADVALKAR AND OTHERS
VERSUS
STATE OF MAHARASHTRA THROUGH THE PRINCIPAL
SECRETARY AND OTHERS

...

Advocate for the Petitioners : Shri Bora Satyajit S.
AGP for Respondents 1 to 6/State : Shri P.S. Patil

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CORAM : RAVINDRA V. GHUGE
&
SANJAY A. DESHMUKH, JJ.

DATE :- 21st November, 2022

Per Court :-

1. On 19.10.2022, we had passed the following order:-

“1. The petitioners have put forth prayer clauses
“A” and “B” as under:-

“A) This Hon’ble Court be pleased to issue a writ of mandamus or any other writ in the nature of mandamus or an appropriate writ, order or direction directing the Respondents to grant the additional 10% of the Basic Pay in addition to the House Rent Allowance under the relevant Government Resolutions to the Petitioners with effect from respective date of joining as Lecturers and/ or Head of Departments and/or Principals.

B) This Hon’ble Court be pleased to issue a writ of mandamus or any other writ in the nature of mandamus or an appropriate writ, order or direction directing the Respondents to grant the additional 1% of the Basic Pay in addition to the License Fee

under the relevant Government Resolutions to the Petitioners with effect from respective date of joining as Lecturers and/or Head of Departments and/or Principals.”

2. *Issue notice to the respondents, returnable on 21.11.2022. The learned A.G.P. waives service of notice on behalf of all respondents.*
3. *Since the policy decision has been taken by the Government, we would list this petition in the ‘urgent orders’ category on 21.11.2022.”*

2. The learned AGP submits that despite his best efforts, he is yet to receive instructions.

3. The learned advocate for the petitioners draws our attention to the judgment dated 08.12.2005 delivered by this Court at the Principal Seat in Writ Petition No.5439/2005 filed by the ***Maharashtra Federation of Principal’s Association of Non Government Colleges versus The State of Maharashtra and others***. He submits that the law crystallized by this Court in the said judgment is applicable even today. Prior to the said judgment, the Government Resolution dated 05.02.1990 gave the benefits to the employees like these petitioners. Subsequent to the judgment of this Court dated 08.12.2005, the State Government introduced the Government Resolutions dated 16.09.2011 and 01.03.2013.

4. The learned AGP submits that not all of these

petitioners have filed their representations. The State Government will decide their representations in the light of the Government Resolutions referred to herein above within a time frame as this Court may be pleased to grant.

5. The learned advocate for the petitioners submits that those petitioners, who have not tendered their representations, would ensure that the representations are delivered to respondent No.2/ Director, Directorate of Technical Education, on the email addresses, which are mentioned in the title clause of this petition, on or before 30.11.2022. Those representations already filed and ones which would be filed pursuant to the directions of this Court, can be decided together.

6. This Writ Petition is disposed off with the following directions :-

(a) Those petitioners and similarly situated employees, notwithstanding that they have not approached this Court, would tender their representations, on or before 30.11.2022, to the Director, Directorate of Technical Education, State of Maharashtra, Mumbai, either through email or in physical form.

(b) After the representations are received, respondent No.2/ Director would consider all the representations on their

individual merits in the light of the judgment of this Court dated 08.12.2005 (supra) and the Government Resolutions dated 05.02.1990, 16.09.2011 and 01.03.2013, on or before 31.01.2023.

(c) The persons, in whose cases the statutory authorities have drawn an adverse conclusion, would be intimated of the decision assigning reasons as to why their claims are negated. Let such communications be delivered to such employees on or before 28.02.2023.

(d) Those employees, who suffer adverse orders, would be at liberty to avail of a statutory remedy as is permissible in law.

(e) Those cases, which are granted pursuant to the above directions, would receive their arrears of payments and all consequential monetary benefits, on or before 30.04.2023.

kps

(SANJAY A. DESHMUKH, J.)

(RAVINDRA V. GHUGE, J.)