

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO.3200 OF 2018

- 1) Govt. Grant-in-Aid Ayurved and
Unani College Teachers
Organization (M.S.), Branch
Yavatmal, through its President
Dr. Pranay Dadarao Wange, D.M.M.
Ayurvedic Mahavidyalaya, Arni Road,
Shivaji Nagar, Yavatmal.
- 2) Dr. Pranay s/o Dadarao Wange,
occupation : service, D.M.M.
Ayurvedic Mahavidyalaya, Arni Road,
Shivaji Nagar, Yavatmal.

... Petitioners

- Versus -

- 1) State of Maharashtra, through
Chief Secretary, Medical Education
and Drugs Department, Mantralaya,
Mumbai – 32.
- 2) State of Maharashtra, through
Dy. Secretary, Medical Education and
Drugs Department, Office at
9th Floor, Gokuldas Tejpal Hospital
Area, Lokmanya Tilak Marg,
Mumbai – 01.
- 3) Director, Ayush Sanchanalaya,
Ministry at Mumbai, 4th Floor,
G.T. Hospital Campus, Mumbai-1.
- 4) Maharashtra University of Health
Sciences, through its Registrar,
Dindhori Road, Mhasrul, Nashik-04.

- 5) The Assistant Director of Ayurved,
State of Maharashtra, New
Administrative Building, Civil Lines,
Nagpur.
- 6) D.M.M. Ayurved Mahavidyalaya,
Arni Road, Shivaji Nagar,
Yavatmal, through its Principal. ... Respondents

Shri I.G. Meshram, Advocate for petitioner.

Smt. K.S. Joshi, Additional Government Pleader for respondent nos.1
to 3 and 5.

Shri V.B. Bhise, Advocate for respondent no.6

CORAM : SUNIL B. SHUKRE AND
G.A. SANAP JJ.

DATED : SEPTEMBER 19, 2022

ORAL JUDGMENT (PER SUNIL B. SHUKRE, J.) :

Rule. Rule is made returnable forthwith. Heard finally
by consent of Shri Meshram, learned Counsel for the petitioners,
Smt. Joshi, learned Additional Government Pleader for the
respondent nos.1 to 3 and 5 and Shri Bhise, learned Counsel for the
respondent no.6.

- 2) The petitioners are aggrieved by the decision of the
respondents to not release benefit of academic grade pay of
Rs.10,000/- to the petitioner no.2 since 1/3/2014.

3) It is the case of the petitioners that the petitioner no.2 is entitled to the said benefit as per communication dated 2/7/2015 and Government Resolution dated 8/9/2011, but relying upon the communication dated 1/2/2018, the benefit of academic grade pay has been refused to the petitioner no.2.

4) There was involved almost similar issue in Writ Petition No.6660/2018 before Aurangabad Bench of this Court. In that petition, the communication dated 26/7/2019 was placed on record and a note of which has been taken by the coordinate Bench of this Court in its order dated 13/1/2020. It was stated that directions contained in the communication dated 1/2/2018 ran contrary to the earlier State Government's decision dated 10/11/2009. The said communication also gave a direction that necessary steps be taken in respect of protecting pay scales applicable to the Associate Professors including the benefit of academic grade pay in terms of Government decision dated 10/11/2009 and as per directions contained in the communications dated 29/3/2010 and 17/1/2012, the communication dated 26/7/2019 was seen to be clearly nullifying the directions contained in the communication dated 1/2/2018.

5) As stated earlier, the whole dispute in this case has arisen in view of the directions contained in the communication dated 1/2/2018, which directions are no longer valid. The grievance of the petitioners could be resolved by taking an appropriate decision by the respondent no.3 by following the directions contained in the communication dated 26/7/2019.

6) We accordingly direct the respondent no.3 to consider afresh the case of the petitioner no.2 regarding grant of benefit of academic grade pay of Rs.10,000/- to him with effect from 1/3/2014 in the light of the directions contained in the communication dated 26/7/2019, by ignoring the earlier rejection of the same. The decision shall be taken within four weeks from the date of receipt of this judgment.

7) Rule is made absolute in the above terms. No costs.

JUDGE

JUDGE

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